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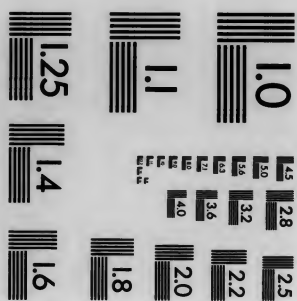
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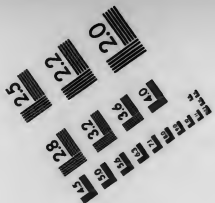
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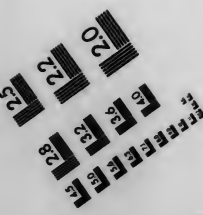
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L A W S

RELATING TO

STREET-RAILWAY FRANCHISES

IN THE

DISTRICT OF COLUMBIA.

COMPILED IN THE OFFICE OF THE COMMISSIONERS OF THE DISTRICT
OF COLUMBIA AND PRINTED UNDER AUTHORITY OF THE
RESOLUTION OF CONGRESS PASSED MARCH 12, 1896.

(RECOMPILED AND INDEXED BY DANIEL E. GARGES, SECRETARY TO THE
ENGINEER COMMISSIONER OF THE DISTRICT OF
COLUMBIA, MARCH 4, 1905.)

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1905.

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PREFACE.

The laws relating to street-railway franchises in the District of Columbia were compiled in 1896 in pursuance of a resolution of Congress passed March 12, 1896. In the present compilation the former one was used as a basis, and all acts of Congress relating to street railways passed since 1896 have been included in the present issue. The compilation has also been indexed. The various street-railway charters are arranged alphabetically by the names of the corporations chartered. The original charter is given first and the subsequent amendments and additions follow consecutively in accordance with the dates of their approval. All the legislation, therefore, regarding any one railroad will be found in one place. The only exception is where a general law has been passed affecting various railroads. These general laws will be found at the last part of the book under the heading "Street-railway laws of a general nature" (p. 257), but all have been indexed for easy reference.

CHARTERS.

All charters for street railways in the District must be granted directly by Congress. The routes are laid down in these charters.

URBAN LINES.

Practically all the urban lines are controlled by two corporations, the Capital Traction Company and the Washington Railway and Electric Company. The latter corporation is a managing corporation organized under the act of Congress approved June 5, 1900. (See p. 241.) The charters of the constituent roads govern, however

CONTROL BY THE COMMISSIONERS.

The charters of the street-railway companies place certain duties on the Commissioners of the District of Columbia in regard to control of plans of construction, the approval of time schedules, the regulation of speed, the furnishing of passenger houses and accommodations, etc., but except in some of the later charters no penalties are provided for a violation of any regulation of the Commissioners made in pursuance of this authority.

PAVING ADJACENT TO TRACKS.

The street-railway charters generally require the companies to be responsible for the cost of paving between their tracks and on each side thereof to the extent of 2 feet from the outer rails. The organic act providing the present form of government for the District of Columbia also makes this requirement, and provides that it shall be carried into effect by the issuing of certificates of indebtedness against the railroad companies for failure to pay for paving this portion of the street. (See p. 257.)

SPEED AND FENDERS.

Regulations in regard to speed and fenders are made by the Commissioners of the District of Columbia under the police regulations regarding the movement of vehicles on public streets. Cars stop to receive passengers on the near side. (See p. 267.)

A MODEL CHARTER.

The charter of the Capital Railway Company (p. 49) is considered as a model for street railway charters.

EXPIRATION OF CHARTERS.

A number of charters herein compiled have expired by limitation. A number of others have been extended from time to time.

DEPOSITS.

The charters generally require a deposit to be made to pay for inspection of construction work. Some of them require a deposit to guarantee the construction and completion within the time period named in the charter.

OVERHEAD TROLLEYS.

No overhead trolleys are allowed within the limits of the city of Washington proper. (See p. 270.) They, however, are used on the suburban lines.

UNDERGROUND ELECTRIC SYSTEM.

All of the street railways now operated in the city of Washington operate by the underground electric system. Formerly, horsepower, cable power, and the trolley were used.

FARE.

All the charters require that the fare charged in the District of Columbia shall not be more than 5 cents, and require, also, that six tickets shall be sold for 25 cents.

TRANSFERS.

The two corporations, the Capital Traction Company and the Washington Railway and Electric Company, issue transfers on their respective lines to a passenger going in one general direction, but they do not issue transfers interchangeable on the lines of each other, except in one instance, at Fifteenth and G streets NW., where a transfer is issued between the lines of these companies upon the payment of 2 cents.

COUPON TICKETS.

A law requires the sale of four coupon tickets for 25 cents for continuous ride on some lines from some suburban point to some point in the city of Washington. (See p. 263.)

TAXES.

Each individual charter has a provision in regard to taxation, but by an act of Congress (see p. 268) all street railroads were brought under the general rule which requires them to pay 4 per cent of their gross earnings in lieu of personal taxes, and to pay taxes on their buildings, etc., as real estate, under the provisions of law in regard to other real estate.

COINCIDING ROUTES.

The charters generally provide for joint trackage arrangements where the routes coincide, these arrangements to be agreed upon between the respective railroad companies, and in event of a failure to reach an agreement, by a court proceeding.

ELECTROLYSIS.

In the later charters provision is made to guard against electrolysis by requiring, if electric power by trolley be used, a return wire similar in capacity and insulation to the feed wire to be provided, and each car to be provided with a double trolley and no pole of any dynamo furnishing power to railways to be connected with the earth.

RIGHT OF WAY.

Street cars have the right of way over their tracks in the public streets.

In some instances the charters require that the roads shall be constructed on a right of way to be acquired by the railway company and thereafter dedicated to the District of Columbia.

D. E. G.

CONCURRENT RESOLUTION To compile and publish the laws relating to street-railway franchises in the District of Columbia.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound into one convenient volume, at the Government Printing Office, all the various Acts of Congress relating to street-railway franchises in the District of Columbia; and that two hundred copies of the same shall be furnished for the use of the Senate, four hundred copies for the use of the House of Representatives, and two thousand and five hundred copies for the use of and distribution by the Commissioners of the District of Columbia.

Passed, March 12, 1896.

LAWS RELATING TO STREET-RAILWAY FRANCHISES IN THE DISTRICT OF COLUMBIA.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

AN ACT Giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation. February 18, 1875.
Stats. 18, p. 328.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the approval and sanction of Congress is hereby given to the construction, operation, and maintenance of a street-railroad by the Anacostia and Potomac River Railroad Company, of Washington City, District of Columbia, a company incorporated under the act of Congress of May fifth, eighteen hundred and seventy, which incorporation is hereby confirmed and validated, along, upon, and over the following route, in the city of Washington, District of Columbia, namely: Commencing for the eastern terminus of said road, at or near the northern end of the navy-yard bridge, in the said city, on Eleventh street east; thence upon and along said Eleventh street east to M street south; thence upon and along said M street south to Third street east; thence upon and along said Third street east to N street south; thence upon and along said N street south to Water street; thence upon and along said Water street to Twelfth street west; thence upon and along said Twelfth street west to Ohio avenue; thence upon and along said Ohio avenue to Fourteenth street west; thence along and upon said Fourteenth street west to the western terminus of said road at the intersection of Pennsylvania avenue and said Fourteenth street west; and also on M street south from Third street east to Water street, and on Eleventh street west from Water street to the intersection of Twelfth and B streets southwest; conforming to the grades of said streets and avenues as the same now are, or may hereafter be, established by law: *Provided*, That said company shall construct at least a single-track road over said route, and open the same to travel within sixteen months after the approval of this act: *And provided further*, That whenever the foregoing route shall coincide with the route of any other duly-incorporated railroad company, or connect portions of such route, but one set of tracks shall be used, and each company using

Approval of construction, etc., of street-railroad by Anacostia and Potomac River Railroad Company (amended).

Route (amended).

Time for completion.

One track for coinciding routes.

the tracks shall contribute equitably to the expense of laying and maintaining them; the amount to be contributed to be ascertained, when the companies disagree, by the supreme court of the District of Columbia, upon application of any company interested, and on notice to and hearing of the parties interested.

Laying of track and paving.

SEC. 2. That in the manner of laying its tracks, and paving the same, this company shall be under the control of the executive authority of the District of Columbia; and it shall pave its tracks, and the spaces between them, and for the space of two feet beyond the outer line thereof, and keep the same in good order, without expense to the United States or the District of Columbia; and that said pavement shall be as prescribed by the said executive authority of the District of Columbia; and the rate of fare charged and received by said company shall not exceed five cents a passenger for any distance between the termini of said road.

Use of navy-yard bridge.

SEC. 3. That whenever the present navy-yard bridge shall be replaced by a structure suitable for the passage of a street-railroad, the company shall have the right to cross over the same to Uniontown, under such restrictions and regulations as Congress may provide; and Uniontown shall then become the eastern terminus of the road; and from Uniontown the company may extend their road by the Good Hope road to the District line; and for riding over this extension of the road the company may charge an additional fare not exceeding five cents.

Extension of road east of Uniontown.

Fare.
Right to alter or amend act.

SEC. 4. That Congress may, at any time, alter, amend, or repeal this act.

Approved, February 18, 1875.

April 5, 1876.
Stats 19, p. 26.

AN ACT To amend the act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation."

Anacostia and Potomac River Railroad, time for completion extended.

Change of terminus (amended).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February eighteenth eighteen hundred and seventy-five, be, and is hereby, so amended as to extend the time for the completion of said road to six months from and after the completion of the streets now in process of improvement along and upon which the chartered rights of the company extend. SEC. 2. That the privilege is hereby granted the company to change their terminus at Fourteenth street and Pennsylvania avenue west, as follows: Commencing at intersection of Twelfth street and Ohio avenue northwest, along and upon Twelfth to D street, along and upon D street to Fifteenth street, along and upon Fifteenth street west to Pennsylvania avenue, near the Treasury gates, being one square west of the

present terminus; also, that the company may extend their road from the intersection of Twelfth street and Ohio avenue northwest, along and upon Louisiana avenue to the south side of Pennsylvania avenue at a point opposite Centre Market: *Provided*, That whenever the street-pavement may be torn up and travel thereon interfered with by removal of the track of said road, said company shall, at its own expense, put such street pavement in as good order as before the laying of the track thereon. SECTION 3. That Congress may at any time alter, amend or repeal this act.

Extension of road.

Pavements to be restored.

Amendment and repeal.

MICHAEL C. KERR
Speaker of the House of Representatives
T. W. FERRY
President of the Senate pro-tempore.

Received by the President March 24, 1876.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Sundry civil bill, 1880.

March 3, 1879.
Stats. 20, p. 404.

And one of the two railroad tracks now on said Anacostia Bridge shall be at once removed.

Tracks on Anacostia bridge.

Approved, March 3, 1879.

AN ACT To amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia.

August 1, 1888.
Stats. 25, p. 353.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February eighteenth, eighteen hundred and seventy-five, and amended March twenty-fourth, eighteen hundred and seventy-six, be, and the same is hereby, amended so as to authorize said company to lay tracks and run cars thereon from the intersection of its tracks on M street south with Seventh street east; along Seventh street to G street south; along G street to Fourth street east; along Fourth street to E street south; along E street to Canal street; along Canal street to B street south, along B street south to Third street west; along Third street to Missouri avenue; along Missouri avenue to Sixth street west; along Sixth street to B street north; along B street to a point near the Center Market to be named by the Commissioners of the District of Columbia:

Anacostia and Potomac River Railroad, extension of.

Route (amended).

Proviso; completion. *Provided*, That the said company shall complete the above-mentioned tracks and run cars thereon within one year from the approval of this act, and from the intersection of its tracks on M street south with Second street west; along Second street to its tracks on Canal street: *Provided*, That said company shall complete the last-mentioned tracks and run cars thereon within two years from the approval of this act. The company is also authorized to extend its tracks and run cars thereon from its track at Seventh and G streets southeast herein mentioned, along G street to Seventeenth street east; along Seventeenth street to E street south; along E street to and beyond the entrance to the Congressional Cemetery at a point to be named by the Commissioners of the District of Columbia, after the said streets shall have been improved.

Extension to Congressional Cemetery. **Additional track on Anacostia bridge.** SEC. 2. That the said company may be permitted to place or cause to be placed upon the Anacostia bridge an additional track, and the rails of both tracks shall be of such form as will offer the least obstruction to ordinary traffic, and subject to approval by the Commissioners of the District of Columbia. The said company shall also construct at least a single track, with necessary switches and turnouts, along Harrison street, in Anacostia, to the entrance to the grounds of the German Orphan Asylum, and run cars thereon within six months after laying the track mentioned on said bridge.

Extension to Insane Asylum. SEC. 3. That the said company is also authorized to extend its track and run cars thereon from its present terminus on Nichols avenue, near Anacostia, by the way of Nichols avenue to the entrance to the grounds of the Government Hospital for the Insane, and along said avenue and the Livingstone road to the District line.

Use of other tracks. SEC. 4. That should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracks shall be used when, on account of the width of the street, or for other sufficient reason it shall be deemed necessary by the Commissioners of the District; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party, and on such notice to the other party as the court may order.

Rails. SEC. 5. That in the construction of the tracks herein specified the pattern of rail used shall be approved by the Commissioners of the District of Columbia, and in any extensive repairs to the tracks now owned by the company requiring new rails the pattern of rails shall likewise be approved by the Commissioners of the District of Columbia: *Provided*, That all rails laid upon the streets of the city of Washington by said company under the authority of this act shall be on a level with the surface of the streets, and shall not project above the same.

To be level with streets. **Cars.** SEC. 6. That the company shall place cars of the best

construction on said railway, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a time table or schedule adopted by the company, a copy of which shall be filed with the Commissioners of the District of Columbia, and be approved by them.

Reports. SEC. 7. That the said Anacostia and Potomac River Railroad Company shall, on or before the fifteenth day of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of taxes upon personal property, including cars, tracks, and motive power for the next ensuing year, two per centum for the first ten years after completion, and thereafter four per centum of its gross earnings upon traffic for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District of Columbia, and the tracks shall not be taxed as real estate: *Provided*, That whenever the net receipts of said company from its business upon said road shall, for any years, exceed ten per centum of the actual cost of such road, then the company shall, under the direction of the said Commissioners, reduce the rate of passenger fare to an amount as near as the same can be approximated, so that the net receipts of said company from its business upon such road shall not exceed ten per centum of the actual cost for the construction, equipment, and maintenance thereof.

Taxes. SEC. 9. That Congress may at any time amend, alter, or repeal this act.

Reduction of fare. **Amendment.** Approved, August 1, 1888.

AN ACT To amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia. March 24, 1890.
Stats. 26, p. 28.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act giving the sanction and approval of Congress to the route and termini of the Anacostia and Potomac River Railroad; change of route.

Railroad, approved February eighteenth, eighteen hundred and seventy-five, amended March twenty-fourth, eighteen hundred and seventy-six, and August first eighteen hundred and eighty-eight, be, and the same is hereby, amended so as to authorize the said company to lay tracks and run cars thereon from the intersection of its tracks on M street south with Eleventh street east; along Eleventh street to its tracks on G street south. That the time for the completion of its track is extended one year. That in the construction of the tracks herein authorized the pattern of rail used shall be approved by the Commissioners of the District of Columbia, and that all rails laid under authority of this act shall be on a level with the surface of the street: *Provided* so much of the act of August first eighteen hundred and eighty-eight as authorized the company herein named to lay its tracks on Seventh street east between M street and G street is hereby repealed.

SEC. 2. That Congress may at any time amend, alter, or repeal this act.

Approved, March 24, 1890.

April 30, 1892. AN ACT To amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act giving the sanction and approval of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February eighteenth, eighteen hundred and seventy-five, subsequently amended, be, and the same is hereby, amended so as to authorize the said company to lay tracks and switches and run cars as follows: From the intersection of its tracks at Ninth street with B street northwest north on Ninth street to G. street northwest over the tracks of the Metropolitan Railway Company; thence west on G. street northwest to Eleventh street northwest over the tracks of Eckington and Soldiers' Home Railway Company; thence south on Eleventh street to E. street northwest, and east on E street to Ninth street on the tracks of the Capitol, North O Street and South Washington Railway Company; thence south on Ninth street to B street on the tracks of the Metropolitan Railway Company. That in construction of its tracks herein authorized the pattern of the rail used shall be the standard flat grooved rail and approved by the Commissioners of the District of Columbia, and that all rails laid under authority of this act shall be on a level with the surface of the street: *Provided*, That the said company shall commence work within three months and complete the same within six months from the approval of this act.

SEC. 2. That, should any part of the track extension herein authorized coincide with portions of any other

duly incorporated street railway in the District of Columbia, but one set of tracks shall be used when, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the Commissioners of the District; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party and on such notice to the other party as the court may order.

SEC. 3. That this Road shall exchange tickets with other roads where their tracks unite.

SEC. 4. That Congress may at any time amend, alter, or repeal this act.

Approved, April 30, 1892.

AN ACT Authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company and of the Anacostia and Potomac River Railroad Company of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system and to operate the same over and along the following route, namely: Beginning at the intersection of First and C streets northwest, east on C street to Delaware avenue, and thence by a loop around square six hundred and eighty-six (bounded by Delaware avenue, B, First, and C streets northeast). Also, beginning at the intersection of Pennsylvania avenue and Seventeenth street northwest; south on Seventeenth street by double tracks to G street northwest; west on G street by single track to Twenty-fifth street; north on Twenty-fifth street by single track to Pennsylvania avenue. Also, beginning with the tracks at the corner of Seventeenth and G streets northwest; south on Seventeenth street by single track to F street northwest; west on F street by single track to Twenty-sixth street northwest; north on Twenty-sixth street by single track to Pennsylvania avenue: *Provided*, That for the purpose of furnishing a loop, for use when necessary, a single track may be extended along G street northwest from Twenty-fifth to Twenty-sixth streets, connecting with the single tracks in Twenty-fifth and Twenty-sixth streets northwest.

SEC. 2. That the Anacostia and Potomac River Railroad Company be, and it is hereby, authorized and required, within one year from the date of the approval of this Act, to extend the lines of its underground electric railroad from the intersection of First street east and E street south, north along First street to B street south; thence

west along B street, connecting with its existing tracks between Second and Third streets west.

Coinciding routes. SEC. 3. That where the route provided for in this Act coincides with the routes of existing street railways one set of tracks shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties and to fix the terms of joint trackage.

Time of completion. SEC. 4. That the extensions herein authorized shall be completed and cars operated over the same within one year from the date of the passage of this Act. The double tracks of the Capital Traction Company now in the south side of C street northwest, between First street and New Jersey avenue, shall also be removed within said time, and the space so vacated restored to proper condition in a manner satisfactory to the Commissioners of the District of Columbia.

Plans to be approved. SEC. 5. That the extensions herein authorized shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia and approved by them.

Present charter rights extended. SEC. 6. That the said Capital Traction Company and the Anacostia and Potomac River Railroad Company shall have over and respecting the routes herein provided for, the same rights, powers and privileges they respectively have or hereafter may have by law, over and respecting their other routes, and be subject in respect thereto to all the other provisions of their charters and of law.

SEC. 7. That Congress reserves the right to alter, amend or repeal this Act.

Approved, June 4, 1900.

July 1, 1902. AN ACT Requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

Eleventh street extension to Lydecker avenue. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Anacostia and Potomac River Railroad Company, of the District of Columbia, be, and it hereby is, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system, such as is now in use on its Eleventh street line, over and along the following route, namely: Beginning at the northern terminus of its Eleventh street line at Eleventh street and Florida avenue north, by double track, along Eleventh street to Lydecker avenue: *Provided,* That until the line of railroad on Eleventh street is further extended, cars may be switched on Eleventh street between Whitney and Lydecker avenues: *And provided further,* That until provision is made for a further extension of the line of the Metropolitan Railroad Company on Old Sixteenth street cars may be

switched on Old Sixteenth street between Grant and Park streets.

Time of completion. SEC. 2. That the extension herein authorized shall be completed and the cars operated thereon within two years from the date of the issuance of a permit by the Commissioners of the District of Columbia.

Plans to be approved. SEC. 3. That the extension herein provided for shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia and approved by them.

Present charter rights extended. SEC. 4. That the said Anacostia and Potomac River Railroad Company shall have over and respecting the route herein provided for the same rights, powers, and privileges it has, or hereafter may have, by law over and respecting its other routes, and be subject in respect thereto to all the other provisions of its charter and of law.

Washington and Gettysburg Railway. SEC. 5. That the time within which the Washington and Gettysburg Railway Company shall construct its line within the District of Columbia is extended two years from March first, nineteen hundred and three.

Time extended. SEC. 6. That Congress reserves the right to amend, alter, or repeal this Act.

Approved, July 1, 1902.

**ANACOSTIA, SURRATTSVILLE AND BRANDYWINE
ELECTRIC RAILWAY COMPANY.**

AN ACT To authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia. March 3, 1905.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Anacostia, Surrattsville and Brandywine Electric Railway Company, a body incorporated under the laws of the State of Maryland, be, and it is hereby, authorized to extend its line of street railway within the District of Columbia, with single or double tracks, equip and operate the same for the carrying of passengers, parcels, milk, garden truck, and other small freight, with the necessary switches, turn-outs, buildings, and necessary mechanical devices, along the following-named route: Beginning where the Walker road intersects the line dividing the District of Columbia and Prince George County, State of Maryland, designated on the map of the District of Columbia; thence along said Walker road northwesterly to Goodhope, District of Columbia; thence westerly along Goodhope road as designated on the map of the District of Columbia to its intersection with Harrison street, Anacostia, District of Columbia; thence westerly along Harrison street to its intersection with Monroe street, Anacostia, District of Columbia, to a junction with the street railway of the Anacostia and Potomac River Railroad Company: *Provided*, That the said company shall acquire hereby no right to extend its said railway over, along, or upon any portion of the aforementioned route which is not now a dedicated road or street of the said District until it shall have obtained the written consent of the owners of the real property covered thereby, or acquire said right of way by condemnation: *Provided*, That when the route described coincides with that of a county road of less width than sixty feet the railway shall be constructed entirely outside the road: *And provided further*, That whenever said road shall be widened the Commissioners of the District of Columbia are authorized to require that the tracks of said railway company shall be located in the center of the road as widened: *Provided*, That if at any time in the future any part of the right of way of the company shall be included within the lines of public highways, such part of the said right of way shall be dedicated to the public without expense to the District of Columbia.

Maryland corporation.

To extend line in District of Columbia.

Passengers and small freight.

Route.

May not extend unless along dedicated road or with consent of property owners.

Condemnation.

Must be outside road less than 60 feet wide.

Tracks must be in center of roadway when widened.

Dedication.

May make contracts with Anacostia and Potomac River R. R.

Joint trackage.

Payment.

Motive power.

Plans to be approved.

Permits for excavation.

Inspection.

Deposits.

Pavement adjacent to tracks.

Changes in grade.

SEC. 2. That the Anacostia, Surrattsville and Brandywine Electric Railway Company and the Anacostia and Potomac River Railroad Company shall have the power to make any contracts that they may deem necessary to enable the said companies to run passenger cars of each over the tracks of the other company, and also to contract for and use the power of each or either company to propel the cars of the other company. That in case of failure to reach an agreement upon terms mutually agreeable to each of said companies, then the supreme court of the District of Columbia is hereby authorized and directed to give hearings to the interested parties and fix the terms of joint trackage. Payments for the use of the tracks shall be made monthly, in advance; default in such payments shall suspend the right of the company to use the tracks until such payments are made; that the motive power shall be cable, electric, compressed air, or mechanical power other than steam locomotive power; and wherever the trolley system is used a return wire, similar in capacity, situation, and insulation to the feed wire, shall be provided for the current, and each car shall be provided with a double trolley; and no dynamo furnishing power to the road, or any portion thereof, shall have either of its poles connected with the earth.

SEC. 3. That all plans of location and construction shall be subjected to the approval of the Commissioners of the District of Columbia.

SEC. 4. That excavations in the highways shall be made only under permits from the Commissioners of the District of Columbia, and subject to regulations prescribed by them.

SEC. 5. That the said railway and its appurtenances shall be constructed in a substantial and durable manner, subject to inspection by the Commissioners of the District of Columbia. All changes to existing structures in public space shall be made at the expense of the company.

SEC. 6. That the said company shall deposit such sums as the Commissioners of the District of Columbia may require to cover the cost of inspection and the cost of changes to public works in the streets caused by the construction of said railway.

SEC. 7. That the company shall keep the space between its rails and tracks and two feet exterior thereto in good condition, to the satisfaction of the Commissioners of the District of Columbia. The pavement of these spaces shall be at least as good as that of the contiguous roadway. The proper authorities shall have the right to make changes of grade and other improvements which they may deem necessary, and when any highway occupied by the company is improved the company shall bear the entire expense of improving said spaces to correspond with the remainder of the roadway. The requirements of this section shall be enforceable under the provisions of section five of the Act providing a permanent form of govern-

ment for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight.

SEC. 8. That the cars shall be first-class and shall be kept in good condition, to the satisfaction of the Commissioners of the District of Columbia. Cars.

SEC. 9. That the cars shall be run as often as public convenience requires, on a time-table satisfactory to the Commissioners of the District of Columbia. Time-table.

SEC. 10. That the speed of the cars shall be subject to the police regulations of the District of Columbia. Speed.

SEC. 11. That persons drunk, disorderly, contagiously diseased, or refusing to pay the legal fare may be ejected from the cars by the officers in charge thereof. Removal from cars.

SEC. 12. That as far as possible articles left in the cars shall be cared for by the company, to the end that they may be returned to the rightful owner. Articles left in cars.

SEC. 13. That the rate of fare which may be charged for the transportation of passengers over the line of said company within the District of Columbia shall not exceed five cents per passenger, and six tickets shall be sold for twenty-five cents. Fare.

SEC. 14. That the company is authorized to erect and maintain the buildings necessary to the operation of this road, subject to the building regulations of the District of Columbia. The company shall erect and maintain passenger rooms and transfer stations as required by the Commissioners of the District of Columbia. All passenger rooms and transfer stations shall be provided with such conveniences for the public as said Commissioners may direct. Passenger rooms, etc. Conveniences.

SEC. 15. That the said company, through its proper officers, shall annually, on or before August first, make return under oath to the board of personal tax appraisers of the District of Columbia of the amount of its gross receipts in the District of Columbia during the preceding year ending June thirtieth, and shall pay to the collector of taxes of the District of Columbia, at the same time and in the same manner as other personal taxes are paid, an amount equal to four per centum per annum thereon in lieu of other personal taxes; that the real estate of the said company in the District of Columbia shall be assessed and taxed as is other real estate in said District. Report. Taxes.

SEC. 16. That nothing in this Act shall prevent the District of Columbia, at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, highways, and the sewerage thereof; and the company shall change its railway construction and pavements so as to conform to such grades and improvements as may have been or may be established. Real estate. Grades.

SEC. 17. That said company is authorized to construct and operate, for its own use only, telegraph and telephone lines along its railway, as herein provided for, subject to Telegraph and telephone poles.

- the approval of the Commissioners of the District of Columbia.
- Time of completion.** SEC. 18. That the construction of said extension on the lines of said railway company within the District of Columbia shall be commenced within one year of the passage of this Act, and be completed and cars running thereupon for passenger traffic within two years from the passage of this Act, in default of which this Act shall be void and of no effect.
- Penalty.** SEC. 19. That all the conditions, requirements, and obligations imposed by this Act shall be complied with by any of the successors to and assigns of said company within said District.
- Successors.** SEC. 20. That within sixty days from the approval of this Act, the company shall deposit one thousand dollars with the collector of taxes of the District of Columbia, to guarantee the construction of this railroad within the prescribed time, and if this sum is not so deposited this Act shall be null and void. If the sum is so deposited, and the road is not in operation as herein prescribed, said one thousand dollars shall be forfeited to the District of Columbia, and this Act shall be void.
- Deposit to guarantee construction.** SEC. 21. That the construction, adoption of motive power, erection of buildings, regulation of schedule and speed of running shall be at all times under the supervision and control of the Commissioners of the District of Columbia.
- Forfeited.** SEC. 22. That each and every violation of the requirements of this Act, or of the regulations of the Commissioners of the District of Columbia made under the authority thereof, shall be punishable by a fine of from twenty-five to one thousand dollars, in the discretion of the court, such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia.
- Supervision of Commissioners.** SEC. 23. That the Anacostia, Surrattsville and Brandywine Electric Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this Act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.
- Penalty for violation of act and regulations.** SEC. 24. That the company shall, on or before the first day of February in each year, make a report to each the Senate and House of Representatives, as prescribed in section ten of the Act of June tenth, eighteen hundred and ninety-six, entitled "An Act to extend the routes of the Eckington and Soldiers' Home Railway Company, and of the Belt Railway Company of the District of Columbia, and for other purposes."
- Right of way across other lines.** SEC. 25. That Congress reserves the right to alter, amend, or repeal this Act.
- Report to Congress.** Approved, March 3, 1905.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

AN ACT To authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia. June 8, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Washington Transit Company, incorporated under the laws of the State of Maryland, and by amended charter by act of the legislature of Maryland, eighteen hundred and ninety-six, be, and is hereby, authorized to extend its road from its present charter terminus at Takoma Park, Maryland, into and within the District of Columbia, commencing at the northeastern boundary line of the District of Columbia, on Spring road in Takoma Park subdivision, westerly along said road to the line of Tahoe street extended, west along the line of said street to Blair road, and thence northwesterly, following public highways, to a junction with the Brightwood Railway, along a route to be approved by the Commissioners of the District of Columbia: *Provided*, That the right of use of Spring road authorized herein shall cease and determine when highways contiguous thereto and shown upon the recorded highway-extension plans shall have been opened, in which case the route of the said company shall be upon said highways, as may be approved by the said Commissioners, in lieu of Spring road.

SEC. 2. That the Baltimore and Washington Transit Company and the Brightwood Railway Company shall have the power to make any contracts or agreements that they may deem necessary to enable the said companies to run the cars of each or either company over the tracks of the other company, and also to contract for and use the power of each or either company to propel the cars of the other company; that said extension of the transit company from the District of Columbia line to a junction with the tracks of the Brightwood Railway Company, near Fifth and Umatilla streets, in Takoma Park, District of Columbia, shall be commenced within six months and completed within one year from the passage of this Act.

SEC. 3. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, or upon which any necessary buildings may be required to be located, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding thirty feet in width, for its roadway, and of

Baltimore and Washington Transit Company authorized to enter District of Columbia.

Route.

Spring road.

Trackage arrangements with Brightwood R'y.

Commencement and completion.

Condemnation of land.

so much as may be necessary for buildings, and so forth, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes: *Provided*, That the land acquired by such agreement or condemnation for right of way for tracks within the limits of streets of the recorded highway-extension plans shall be dedicated to the District of Columbia for a public right of way before the company shall lay its tracks on such land; and that such right of way shall not be less than thirty feet in width for double tracks nor twenty feet in width for single track.

Land to be dedicated to District of Columbia.

SEC. 4. That the said Baltimore and Washington Transit Company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over the said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other devices necessary to operate the same by cable, electricity, compressed air, storage battery, or other motive power, to be approved by the Commissioners of the District of Columbia: *Provided*, That the right of said company to use an overhead single trolley on a street or part of a street shall cease six months after the date of the approval of an Act of Congress appropriating money for or otherwise authorizing the paving of the roadway of such street or part of street, except in connection with continuous track rails: *And provided further*, That the right of said company to use an overhead single trolley in any public space in the District of Columbia, except in connection with continuous track rails, shall in any event cease on July first, eighteen hundred and ninety-nine. Said railway to be constructed of good material, with grooved rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Commissioners of the District of Columbia; the standard gauge to be used and the surfaces of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia, and where the tracks lie within the streets of the District of Columbia the same to be paved between the rails and two feet outside thereof with such material and in such manner as shall be approved by the said Commissioners, and kept in repair by the said railway company.

Motive power.

Trolley.

Construction.

Plans.

Excavations.

SEC. 5. That said railway shall be constructed in a substantial and durable manner. The plans of construction, rails, electrical and mechanical appliances, conduits and stations, and location of stations and tracks, shall be subject to the approval of the Commissioners of the District of Columbia. The said company having first obtained the written permission of the District Commissioners therefor, may make all necessary trenches and excavations and place therein the machinery and devices necessary to the operation of said railway. When said trenches and excavations are open they shall be thoroughly protected to prevent accident, and shall be closed within a reasonable time and the disturbed pavement relaid, all to the satisfaction of said

Commissioners. The said company shall, at its own expense, in a good and substantial manner, make all changes to pipes, conduits, and other underground constructions rendered necessary by the construction of said railway. Said company shall be liable for any damage to pipes or other underground constructions caused by the passage of its cars over the same, or by electric current used in the propulsion of its cars. The said company shall, before commencing work on said railroad, deposit with the collector of taxes of the District of Columbia such sum as the Commissioners of said District may deem necessary to defray any expense that may be incurred by the District of Columbia in connection with the inspection of the work of construction of said railway, and to make good any damage done by said company or any of its contracting agents to any public work or construction. An account of the disbursement of such deposit or deposits shall be made to said company, and any balance due them shall be returned upon the completion of the work to defray the cost of which the money was deposited.

Deposit.

SEC. 6. That whenever the roadway of any street occupied by the said railway company is widened, one-half of the cost of widening and improvement of such widened part shall be charged to the said railway company and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof is collectible under the provisions of section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Widening streets.

SEC. 7. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewers thereof. In such event it shall be the duty of said company to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

Change of grade.

SEC. 8. That the said company in conjunction with the said Brightwood Railway may receive a rate of fare not exceeding five cents for each passenger for one continuous ride over the route aforesaid and the route of the said Brightwood Railway within the District of Columbia, or any part thereof, between the termini of said railroad within said District, and shall sell tickets at the rate of six for twenty-five cents.

Fare.

SEC. 9. That said company shall pay to the District of Columbia, in lieu of taxes on personal property, for each fiscal year, four per centum of its gross earnings under this franchise upon its traffic for the preceding year derived from the operation thereof within the District of Columbia, which amount shall be paid to the collector of taxes at the

Taxes.

times and in manner that other taxes are or may be payable, and subject to the same penalty in case of arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof in the same manner as is or may be provided by law for the sale of other property for taxes, and said per centum of its gross earnings shall be in lieu of any and all assessments upon its personal property in the District of Columbia used solely and exclusively in the operation and management of said railway; but its real estate in said District shall be taxed as other real estate therein: *Provided*, That its tracks, machinery, and devices shall not be considered real estate for the purpose of taxation.

Report.

SEC. 10. That the said company shall, on or before the first day of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source and on whatever account for the preceding year ending December thirty-first, and such other facts as may be required by any general law of the District of Columbia. The report shall be verified by the affidavit of the president and secretary of the company, and if said report is not made within the time specified herein said company shall be liable to a fine of five hundred dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

Bonds, etc.

SEC. 11. That the said corporation may issue bonds or other evidence of debt, to be secured by mortgage of its railroad properties and franchise within the District of Columbia, or by deed of trust thereon, but not to an amount greater than the cost of construction and equipment. It may own, purchase, lease, and sell real estate for the purposes of operating said road.

Commencement and completion.

SEC. 12. That said company shall commence the construction of its said railway within six months from the approval of this Act, and said railway shall be open for traffic, with its switches and turn-outs, and with cars running thereon for the accommodation of passengers, within one year from the date of the approval of this Act.

Guaranty deposit.

SEC. 13. That the said railway company shall deposit with the collector of taxes, District of Columbia, the sum of one thousand dollars, within sixty days from the passage of this Act, as a guaranty that it will commence and complete its road within the time herein limited. And unless said sum of one thousand dollars is so deposited within sixty days from the passage of this Act, all rights, franchises, and privileges hereby granted shall immediately cease and determine, and this charter shall be null and void. Should the said railway company fail to commence or complete the construction of its road within the limit of time prescribed by this Act, said sum of one thousand

dollars shall be forfeited by the said railway company, and shall be deposited by the collector of taxes with the United States Treasurer to the credit of the United States and the District of Columbia, in equal parts.

SEC. 14. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, schedule for running cars, mode of use of tracks, and removal of ice and snow as, in their judgment, the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation, said company shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

Speed.
Schedule.

Penalty.

SEC. 15. That Congress reserves the right to amend, alter, or repeal this Act.

Amendment,
etc.

Approved, June 8, 1896.

BELT RAILWAY COMPANY (ORIGINALLY THE CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY COMPANY).

AN ACT To incorporate the Capitol, North O Street, and South Washington Railway Company. (Now the Belt Railway Company.) March 3, 1875.
Stats. 18, p. 498.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Joseph Williams, William J. Murtagh, Hallet Kilbourn, Benjamin F. Fuller, William J. Cowing, Samuel R. Bond, William Saunders, George W. Goodall, George A. McIlhenny, L. A. Bartlett, and L. H. Chandler, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the Capitol, North O Street, and South Washington Railway Company, with authority to construct and lay down a single or double track railway, with the necessary switches and turn outs, in the city of Washington, in the District of Columbia, through and along the following streets and avenues: commencing on First street west in front of the Capitol grounds, and running thence due north along said First street west to G street north; thence west along G street north to Fourth street west; thence along Fourth street west; thence along O street north to Eleventh street west; thence south along Eleventh street west to E street north; thence west along E street north to Fourteenth street west; thence south on Fourteenth street west to Ohio avenue; thence along said avenue to its intersection with Twelfth street west; thence south along said Twelfth street west to Virginia avenue; thence southeast along Virginia avenue to its intersection with Maryland avenue; thence northeast along Maryland avenue to First street west, the place of beginning, with the right to run public carriages thereon, drawn by horse-power, receiving therefor a rate of fare not exceeding five cents a passenger for any distance on said road, from its beginning to its terminus on First street west: *Provided*, That wherever the foregoing route may coincide with the route of any other duly-incorporated street-railroad-company in the District, or connect portions of such route, but one set of tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies

Capitol, North O Street and South Washington Railway Company incorporated.

Route (extended).

Motive power.

Fare.

Coinciding routes.

Terms of joint use of tracks.

^a Name changed by act of Congress approved February 18, 1893, to "The Belt Railway Company."

fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which, and the regulations under which, the company hereby incorporated shall be entitled so to use and enjoy the track of such other street-railroad-company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping-place to await passengers, but shall only be entitled to use the same for the ordinary passage of their cars, with the ordinary halts for the taking up and the dropping of passengers.

Taxes.

SEC. 2. That the road of said company, with all its property and franchises, shall be liable to taxation as is or may be provided by law, and their cars or vehicles shall be subject to the provisions of such laws as to license and fees therefor.

Construction.

SEC. 3. That the said railway shall be laid as near the center of the streets and avenues in the city of Washington as practicable (without interfering with, or passing over, the water or gas-pipes) in the most approved manner adapted to street-railways, with rails of the most approved pattern, with a flat bearing for street vehicles of not less width, exclusive of the car-wheel bearing, than that now in use on the Washington and Georgetown railroad, laid upon an even surface with the pavement of the streets and avenues; and the space between the two tracks (where two are laid) shall not be less than four feet nor more than six feet in width, and the carriages shall not be less than six feet in width, the gauge to correspond with that of the Columbia Street Railway.

Paving.

SEC. 4. That the said corporation hereby created shall be bound to keep said tracks, and a space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times well paved and in good order, in such manner and with such material as may be directed by the board of commissioners of the District of Columbia, and if there be at any time no such board, then by the Secretary of War, without expense to the United States or the said city.

Grade, etc. may be changed by authorities.

SEC. 5. That nothing in this act shall prevent the Government, or the proper authorities of the District of Columbia, at any time, at its option, from altering the grade, or otherwise improving all avenues and streets occupied by said road, or the said District, from so altering and improving such streets and avenues, and the sewerage thereof, as may be under their respective authority and control; and in such event it shall be the duty of said company, at its own expense, to change their said railway so as to conform to such grade and pavement.

SEC. 6. That this act may at any time be altered, amended, or repealed by the Congress of the United States. Amendment.

SEC. 7. That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token or device, scrip, or other evidence of debt, to be used as currency. Issue of currency not authorized.

SEC. 8. That the capital stock of said company shall not be less than two hundred thousand dollars nor more than five hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct. Capital stock.

SEC. 9. That the said company shall place first class cars on said railway, with all the modern improvements, for the convenience and comfort of passengers, and shall run cars thereon during the day, and as late at night as eleven o'clock, and as often as every ten minutes. Cars.

SEC. 10. That the said company shall provide such passenger rooms, offices, stables, and depots at such points as the business of the road and the convenience of the public may require; and said company is hereby authorized to lay such rails through transverse streets or avenues as may be necessary not exceeding one block in distance in any one place, for connecting the said stables, depots, and offices with the main tracks; and the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above named, and not to exceed two hundred thousand dollars in value. Passenger rooms. Tracks may connect with buildings of company.

SEC. 11. That all articles of value that may be left in any of the cars or other vehicles of said company shall be taken to its principal depot and entered in a book of record of unclaimed goods; which book shall be open to the inspection of the public at all reasonable hours. Articles left in cars.

SEC. 12. That within thirty days after the passage and approval of this act, the incorporators named in the first section, or a majority of them, or, if any refuse to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place or places in the city of Washington, for a period, to be fixed by said incorporators, not less than two days; and said incorporators shall give public notice, by advertisement in not less than two daily papers published in the city of Washington, of the time when and place where said books shall be opened, and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That no one individual shall be allowed to subscribe for more than two hundred shares of said stock: *Provided further*, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed to the treasurer of said company, or his subscription shall be null. Opening books of subscription. Limit of subscription. Payment on subscribing.

and void; and said payment shall in no case be withdrawn or loaned to any member of said company. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and, in case any of them refuse to act, then a majority of the remainder, shall, within ten days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of seven directors, of which public notice shall be given for three days, in not less than two newspapers published daily in the city of Washington, or by written or printed personal notice to each stockholder by the secretary or clerk of the said corporation. And in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Meeting of stockholders.

Board of directors.

President.

Treasurer.

Secretary.

By-laws.

Sale of stock not paid up.

Collection of assessments by suit.

SEC. 13. That the government and direction of the affairs of the company shall be vested in a board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, or until others are duly elected and qualified to take their places as directors. And the said directors (a majority of whom shall constitute a quorum) shall elect one of their number to be president of the board, and who shall also be president of the company; and they shall also choose a treasurer, who shall be a stockholder, and who shall give bonds, with security, to said company, in such sum as the said directors may require, for the faithful discharge of his trust; and said board shall also elect a secretary, who shall also be a stockholder, and who shall perform such duties as usually pertain to said office. In case of a vacancy in the board of directors, by death or resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

SEC. 14. That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper respecting the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or the laws of the United States or of the District of Columbia: *Provided*, That the directors of said company shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed, at such time, (after the first installment,) in such manner, and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any installment as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment, (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due,) under such general regulations as may be adopted in the by-laws of said company; or said body corporate may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction; and no part of the capital

paid in shall at any time be withdrawn by said company or any member thereof.

SEC. 15. That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company, in their by-laws, may prescribe; and said directors shall annually make a report of their doings to the stockholders in general meeting.

Annual meeting.

Report.

SEC. 16. That if any person or persons shall willfully and unnecessarily obstruct or impede the passage of the cars of said railway, or destroy or injure the cars, depot, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense the sum of ten dollars to said company, to be recovered and disposed of as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Obstruction of cars, etc.

Limitation of suit.

SEC. 17. That unless said corporation shall commence to lay the said track within four months and complete their said railway within sixteen months after the passage of this act, then this act shall be null and void, and no rights whatever shall be acquired under it.

Time for construction.

SEC. 18. That no person shall be prohibited the right to travel on any part of said road, or ejected from the cars thereof, for any other cause than that of being drunk, disorderly, unclean, contagiously diseased, refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Exclusion from cars.

SEC. 19. That each of the stockholders in the said railway company shall be liable individually for all the debts and liabilities of the said company to an amount equal to the amount of stock held by such stockholder.

Liability of stockholders.

SEC. 20. That all the provisions of the act incorporating the Columbia Railway Company, requiring reports of expenditures, earnings, and otherwise, shall be applicable to the company herein incorporated, which shall make reports as in said act required.

Act incorporating Columbia Railway Co. applied.

Approved, March 3, 1875.

AN ACT To amend the charter of the Capitol, North O street, and South Washington Railway Company. (Now The Belt Railway Company.)

May 23, 1876.

Stats. 19, p. 56.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to incorporate the Capitol, North O street, and South Washington Railway Company," approved March 3d, 1875, be, and the same is hereby, amended so as to authorize and allow said company to extend its line on 4th and 11th streets west from O street to P street

Capitol, North Street and South Washington Railway Co., charter amended.

Extension of route.

north, and to lay a single track and run its cars one way upon P street between 4th and 11th streets, instead of laying a double track and running its cars both ways upon O street.

Approved, May 23, 1876.

March 3, 1881. AN ACT To amend the act incorporating the Capitol, North O Street and South Washington Railway Company. (Now The Belt Railway Company.)
Stats. 21, p. 414.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to incorporate the Capitol, North O Street and South Washington Railway Company, approved March third, eighteen hundred and seventy-five, be, and the same is hereby, amended, so as to authorize said company, at its discretion, to remove its track from Ohio avenue and Twelfth street southwest, and lay a single or double track, and run its cars thereon, from its present line at the intersection of Ohio avenue and Fourteenth street south, along Fourteenth street to C street southwest, eastwardly along C street southwest to Virginia avenue, to connect with its present line at the junction of said avenue and street; and also to lay a single or double track from its present line on P street and Eleventh street northwest, north along said Eleventh street to Boundary street; and to lay a single or double track commencing at the intersection of C street and Eleventh street southwest, running thence south on Eleventh street to Water street south, running thence easterly on Water street south to M street south, which point shall be the southern terminus of the road: *Provided*, That the said company shall complete the tracks and run its cars along the streets named within six months from the approval of this act.*

Sec. 2. That should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway, the relative condition of the chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party, and on such notice to the other party as the court may order.

Sec. 3. That the fare between the Bureau of Engraving and Printing and the nearest junction with any intersecting road shall be two cents.

Sec. 4. That any other duly incorporated street-railway company in the District of Columbia shall have the right to run its cars over that portion of the route hereinbefore named south of Pennsylvania avenue, upon such fair and equitable terms as may be agreed upon between the said companies; and in the event that the said companies shall fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the

Capitol, North O Street and South Washington Railway; charter amended.
May remove its tracks from Ohio avenue.
Extension of route.
Time for completion.
Coinciding tracks.
Two-cent fare from Bureau of Engraving and Printing to connecting lines.
(Repealed Aug. 9, 1888.)
Other railway companies may use tracks south of Pennsylvania avenue on equitable terms.

District of Columbia, which shall provide for proper notice to, and hearing of, all parties in interest; and shall have power to determine the terms and conditions upon which, and the regulations under which, the said company or companies using the tracks over the route before named may use and enjoy said tracks, and the amount and manner of compensation to be paid therefor.

SEC. 5. That Congress may at any time amend, alter, or repeal this act. Amendment.

Approved, March 3, 1881.

AN ACT To provide for the extension of the Capitol, North O Street and South Washington Railway. (Now The Belt Railway Company.) March 1, 1883.
Stats. 22, p. 432.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capitol, North O Street and South Washington Railway Company is hereby authorized to extend its line, by laying a single or double track, and running its cars thereon, on the following streets in the city of Washington, namely: Commencing with the intersection of its present line at Eleventh and E. streets northwest, and running east along E to Ninth street; thence south along Ninth street to Louisiana avenue; thence southwest along said avenue to Ohio avenue; thence west along Ohio avenue to its intersection with its present line at the junction of Ohio avenue and Twelfth street northwest.

*SEC 2 That unless said extension is constructed and the cars run thereon within six months from the passage and approval of the act all rights granted hereunder shall be void: *Provided* That no new track or tracks shall be laid along Ninth street from D. to Louisiana avenue, but said company may use the tracks of the Metropolitan Street Railway Company between said points upon such terms and conditions as may be provided in the original act of incorporation of said Capitol North O. Street and South Washington Railway Company.*

Approved, March 1, 1883.

AN ACT To amend the charter of the Capitol, North O Street and South Washington Railway Company. (Now The Belt Railway Company.) August 9, 1888.
Stats. 25, p. 399.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capitol, North O Street and South Washington Railway Company is hereby authorized to extend its tracks and run its cars thereon through and along the following named streets: Beginning at Fourteenth and B streets southwest, east along B street southwest to Twelfth street

Capitol, North O St. and South Washington R'y; charter amended.
Extension of line.
Completion.
No new tracks on Ninth street.

southwest, to an intersection with its present line on said Twelfth street.

Two-cent fare repealed.

SEC. 2. That section three of the act entitled "An act to amend the charter of the Capitol, North O street and South Washington Railway Company," approved March third, eighteen hundred and eighty-one, be, and the same is hereby repealed.

Completion.

SEC. 3. That unless said extension is completed and the cars run thereon within six months from the passage and approval of this act, the authority herein granted shall be void.

Approved, August 9, 1888.

March 2, 1889.

Stats. 25, p. 913.
Payment of judgment.

Deficiency bill, 1889.

* * * Payment of Judgments. * * * The Capitol, North O Street and South Washington Railway Company versus John F. Cook, collector, and so forth, for one cent damages, together with \$299.73 costs.

Approved, March 2, 1889.

February 18, 1893.
Stats. 27, p. 462.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of the said Capitol, North O Street and South Washington Railway Company be, and the same is hereby, changed to "The Belt Railway Company:" *Provided*, That said change shall not affect pending suits against said company nor the enforcement of existing contracts with said company.

Approved, February 18, 1893.

June 10, 1896.

AN ACT To extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company, of the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within three months from the passage of this Act the Eckington and Soldiers' Home Railway Company and the Belt Railway Company, both of the District of Columbia, respectively, shall begin to equip those portions of their respective lines which are situated within the boundaries of the city of Washington with compressed-air motors. If after a trial of three months the said compressed-air motors shall, in the judgment of the Commissioners of the District of Columbia, prove to be in all respects a proper

Eckington and Soldiers' Home and Belt R'y companies' charters amended.

Shallequiline with air motors.

and satisfactory motive power for the speedy and convenient propulsion of street cars, then the said Commissioners are hereby authorized and directed to issue to the said railway companies, respectively, permits to equip their lines within the District of Columbia with such compressed-air motors; and within six months from the passage of this Act the said railway companies shall cease to use horsepower on any and all of their respective lines.

To cease use of horsepower within six months.

In the event that the said compressed-air motors shall not be approved as herein provided for, then within eighteen months from the passage of this Act the said companies, respectively, shall construct and put into full operation on all their lines in the city of Washington the underground electric system. No extension of any of the lines in this Act provided for shall be operated by horsepower: *And provided further*, That within thirty days from the passage of this Act cars shall be regularly run over the existing tracks, beginning at the intersection of G street and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to T street, according to a schedule satisfactory to the Commissioners of the District of Columbia. Neglect or failure to comply with the provisions of this section shall subject the corporation so neglecting or failing to a penalty of fifty dollars for each and every day during which such failure or neglect continues, said penalty to be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

Electric underground system to be substituted if air motors prove unsatisfactory.

Horsepower not to be used on extensions.

SEC. 2. That the Eckington and Soldiers' Home Railway Company of the District of Columbia be, and the same hereby is, authorized to lay down and operate a street railway in the city of Washington, District of Columbia, through and along the following-named streets and avenues, to wit:

Eckington and Soldiers' Home Railway.

Beginning at the junction of Eighth and D streets northeast; thence by double track south along Eighth street to C street south; thence by single track as follows: west on C street south to Seventh street east; thence south on Seventh street east to M street south; thence east on M street south to Georgia avenue; thence northeast on Georgia avenue to Ninth street east; thence north on Ninth street east to C street south; thence west on C street south to Eighth street east.

Extension on Eighth street, etc.

SEC. 3. That said Eckington and Soldiers' Home Railway Company is authorized to increase its capital stock or to issue bonds for such amount as may be necessary to pay the actual cost of constructing and equipping the extensions hereinbefore authorized: *Provided*, That the question as to the amount to be provided for in connection with such extension and the method of providing for the same, whether by issuance of stock or bonds, shall be decided by a majority in value of the stockholders at a meeting to be called for the purpose after reasonable notice; and authority is hereby conferred upon said company, in case of issuance of bonds, to make due conveyance of its corporate franchises and prop-

Increase of stock. Bonds.

erty for the purpose of securing the same: *Provided, however,* That any such conveyance by way of mortgage shall be subject to the prior lien already created by deed of trust dated June first, eighteen hundred and ninety-one, and recorded in liber fifteen hundred and eighty, folio three hundred and twenty-seven and following, of the land records of the District of Columbia, which conveys all the real estate and franchises of said railroad, as well as the line of said railroad now existing and such additions thereto at any time made, located, extended, or constructed: *And provided,* That said Eckington and Soldiers' Home Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway; which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe.

Issue limited
to cost of con-
struction and
equipment.

Extension of
Belt Railway to
Le Droit Park.

SEC. 4. That the Belt Railroad Company of the District of Columbia be, and the same hereby is, authorized to lay down and operate a double-track railway, with the necessary switches and turn-outs, in the city of Washington, District of Columbia, through and along the following-named streets and avenues, to wit:

Beginning at Fourth and O streets northwest; thence north on Fourth street west to Florida avenue; thence north crossing Florida avenue to Harewood street; thence along Harewood street to Elm street; thence west along Elm street to Linden street; thence north on Linden street to Pomeroy street; thence west on Pomeroy street to the east building line of Seventh street west extended.

Also beginning at the present terminus of the Belt Railway on Water street, near N street south; thence south along Water street to P street south by an extension of the present tracks of the Belt Railway; thence by further extension of said tracks east along P street south to Delaware avenue: *Provided,* That if there is not sufficient room for two tracks on Water street without encroaching on tracks already there, that the said Belt Line Railway Company shall purchase, at its own cost, sufficient ground to open Water street from the terminus of its line as now located along said projected route to P street.

In Water
street.

Completion.

SEC. 5. That the construction of the extensions hereby authorized shall be completed within one year after the approval of this Act: *Provided,* That in case any one or more of the said extensions shall not be completed and operated regularly within the time specified, then so much of this Act as authorizes such uncompleted extensions shall be void and of no effect.

Belt Railway
Co. may increase
stock or issue
bonds.

SEC. 6. That said Belt Railway Company is authorized to increase its capital stock or to issue bonds for such amounts as may be necessary to pay the actual cost of constructing and equipping the several extensions hereinbefore authorized: *Provided,* That the question as to the amount to be pro-

vided for in connection with each extension and the method of providing for the same, whether by issuance of stocks or bonds, shall be decided by a majority in value of the stockholders at a meeting to be called for the purpose after reasonable notice; and authority is hereby conferred upon said company, in case of issuance of bonds, to make due conveyance of its corporate franchises and property for the purpose of securing the same: *Provided, however,* That any such conveyance by way of mortgage shall be subject to the prior lien already created by deed of trust dated July thirty-first, eighteen hundred and ninety-one, and recorded in liber sixteen hundred and six, folios one hundred and ninety-seven and following, of the land records of the District of Columbia, which conveys all the real estate and franchises of said railroad as well as the line of said railroad now existing and such additions thereto at any time made, located, extended, or constructed: *And provided,* That said Belt Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway, which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe.

Issue limited
to cost of con-
struction and
equipment.

SEC. 7. That such extensions of said railroads and each of them shall be constructed on such grade and in such manner as shall be approved by the Commissioners of the District of Columbia.

Construction.

SEC. 8. That it shall be lawful for said railway companies and each of them, their and each of their successors or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said companies, or either of them, may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices for machinery for operating said railroad in the manner and by the means aforesaid. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground construction shall be borne by the said railway company making such trench or excavation.

Excavations.

SEC. 9. That each of the said corporations shall at all times keep the space between their tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct; and whenever any street occupied by either of said railways is paved and repaired or otherwise improved, the said corporation shall bear all expense of improving the spaces above described. Should either of the said corporations fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia, and the amounts due from such corpora-

Paving.

tion shall be collected as provided by section five of the Act entitled "An Act providing for a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Annual report.

See opinion of atty. D. C. February 8, 1898, opinion books, vol. 8, p. 448, which requires Balt. and Wash. Co. to report through Com. D. C.

SEC. 10. That every street-railroad corporation in the District of Columbia, and every such corporation which shall hereafter be organized, shall, on or before the first day of February in each year, make a report to each the Senate and the House of Representatives, which report shall be sworn to and signed by the president and treasurer of such corporation, and shall cover the period of one year ending the thirty-first day of December previous to the date of making the report. Such report shall state the amount of capital stock, with a list of the stockholders and the amount of stock held by each; the amount of capital stock paid in; the total amount now of funded debt; the amount of floating debt; the average rate per annum of interest on funded debt; amount of dividends declared; cost of roadbed and superstructure, including iron; cost of land, buildings, and fixtures, including land damages; cost of cars, horses, harness, and motors and other machinery; total cost of road and equipment; length of road in miles; length of double track, including sidings; weight of rail, by yard; the number of cars and of horses; the number of motors; the total number of passengers carried in cars; the average time consumed by passenger cars in passing over the road; repairs of roadbed and railway, including iron, and repairs of buildings and fixtures; total cost of maintaining road and real estate; cost of general superintendence; salaries of officers, clerks, agents, and office expenses; wages paid conductors, drivers, engineers, and motor men; water and other taxes; damages to persons and property, including medical attendance; rents, including use of other roads; total expense of operating road, and repairs; receipts from passengers; receipts from all other sources, specifying what, in detail; total receipts from all sources during the year; payments for maintenance and repairs; payments for interest; payments for dividends on stock, amount and rate per centum; total payments during the year; the number of persons injured in life and limb; the cause of the injury, and whether passengers, employees, or other persons.

Fare.

SEC. 11. That each of said companies shall receive a rate of fare not exceeding five cents per passenger, and the said companies, and each of them, shall make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

Amendment, etc.

SEC. 12. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 10, 1896.

JOINT RESOLUTION Extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section one of an Act entitled an Act to extend the routes of said railway companies, and so forth, approved June tenth, eighteen hundred and ninety-six. February 3, 1897.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time granted by the Act approved June tenth, eighteen hundred and ninety-six, within which the said Eckington and Soldiers' Home Railway Company, of the District of Columbia, and the Belt Railway Company, of the District of Columbia, shall begin to equip those portions of their respective lines which are situated within the boundary of the city of Washington with compressed-air motors, be, and it is hereby, extended to July first, eighteen hundred and ninety-seven: *Time to install motors extended.*

SEC. 2. That if said compressed-air motors shall be adopted, said companies shall completely equip their respective lines with such motive power on or before July first, eighteen hundred and ninety-eight. *Compressed-air motor.*

SEC. 3. That if said compressed-air motive power shall not be adopted on or before July first, eighteen hundred and ninety-seven, then said railway companies shall, within one year from July first, eighteen hundred and ninety-seven, equip the respective lines in the city of Washington with an underground electric system: *Shall equip with underground electric system.* *Provided*, That in case the said companies shall fail to comply with all of the requirements of this Act by the time therein fixed the said companies and each of them shall forfeit and pay to the Commissioners of the District of Columbia the sum of one hundred dollars for each day of such failure: *Penalty for failure.* *And provided further*, That if said companies shall fail to operate the whole of their respective lines as provided by An Act entitled An Act to extend the routes of said railway companies, and so forth, approved June tenth, eighteen hundred and ninety-six, in such manner and on such schedules as the Commissioners shall approve, then said companies and each of them shall forfeit and pay to the District Commissioners the sum of one hundred dollars for each day of such failure. *Penalty for failure to operate on time schedules.*

SEC. 4. All acts or parts of acts, inconsistent with this Act are hereby repealed.

Approved, February 3, 1897.

AN ACT To define the rights of purchasers of the Belt Railway, and for other purposes. June 24, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any corporation operating a street railroad within the District of Columbia be, and it is hereby, authorized to purchase the property and franchises of the Belt Railway Company under any sale thereof by decree of court or *Any street railroad corporation may purchase.*

Purchasing company may operate line as a part of its system.

And shall enjoy franchises of Belt Railway Company.

Purchase effective on filing certificate with recorder of deeds.

Capital stock.

Bonds.

Limit of issue.

Ratification of sale.

Underground electric system.

Commissioners may require slight changes in tracks.

To widen streets.

otherwise; and such corporation so purchasing may operate the property and franchises so purchased as a part of its system, subject to all rights and obligations imposed by existing legislation or by this Act, so far as the same shall be applicable; and in case the property and franchises of said Belt railway be purchased by any person or persons at any sale thereof under decree of court or otherwise, such person or persons, or his or their associates and assigns, shall possess and enjoy all the corporate rights, privileges, and franchises heretofore conferred on the said Belt Railway Company by the Act of Congress approved March third, eighteen hundred and seventy-five, and the Acts amendatory thereof and supplemental thereto, as well as the right to be a corporation under this Act; and the incorporation as hereby provided shall be completed and become effective whenever the said purchaser or purchasers and his or their associates or assigns shall file for record with the recorder of deeds for the District of Columbia a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its officers, and the names of its directors for the first year, and the amount of its proposed capital stock and bonds. The capital stock of the corporation herein authorized shall be divided into shares, each of the par value of one hundred dollars; and any corporation so purchasing or so created and organized hereunder is authorized to issue its bonds and capital stock either for cash or in exchange for the stock, bonds, property, or franchises of the said Belt Railway Company: *Provided*, That stock and bonds may be issued to such an amount and upon such terms as may be agreed upon by a majority vote of the stockholders of such company: *And provided further*, That the issue of such stock and bonds shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease or acquisition and for the construction, reconstruction and equipment of said Belt Railway, and shall in no case exceed the sum of one hundred and fifty thousand dollars per mile of single track. And within one year from the ratification by the court of such sale the existing railroad company purchasing the said Belt Railway, or the corporation created and operating hereunder, shall, under the supervision of the Commissioners of the District of Columbia, construct and put into full operation on the entire line of said railway as now constructed an underground electric system similar to the one now in use by the Metropolitan Railroad Company, upon plans to be submitted to and approved by the said Commissioners. And the said Commissioners are hereby authorized to require such slight changes of tracks along the streets upon which the said Belt Railway is now constructed as may be necessary for the public convenience, and all expenses incident thereto to be borne by said railway company. And the right is hereby expressly reserved to Congress to require at any time the owner or owners of said railroad to widen any of

the streets along or over which said railroad line is now constructed, or to change the route thereof, and the entire expense of such widening of such street and all expenses incident or to a change of route thereto shall be borne by the owner or owners of said railroad.

Expense to be borne by railroad.

SEC. 2. That the purchaser or purchasers of the said Belt Railway shall, immediately after said purchase shall have been ratified as herein provided for, and before any permit shall be issued to begin such work, pay all taxes and special assessments due and unpaid to the District of Columbia, and all indebtedness due the employees for labor, or due others for coal, feed, horseshoes and other supplies, contracted for by the receiver of the said Belt Railway Company, duly appointed by the court, and used on behalf and for the benefit of said company during such receivership, and to be approved by the court appointing said receiver, and shall begin the construction of the underground electric system herein provided for; and if said system shall not have been completed at the expiration of one year from the ratification of the purchase of said railway as authorized by this Act the purchaser or purchasers thereof shall pay to the District of Columbia, in addition to all other taxes now required to be paid by the said Belt Railway Company, or by the purchaser or purchasers thereof, the sum of fifty dollars for each and every day thereafter until said road shall be completed.

Purchaser shall pay taxes due; also indebtedness to employees and others.

Time of completion of underground system.

Penalty.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized and required to station special policemen at such street railway crossings and intersections in the city of Washington as the said Commissioners may deem necessary, the expense of such service to be paid pro rata by the respective companies; every car shall be brought to a full stop, immediately before making such crossing or intersection. Neglect or failure to pay for the service monthly, or to stop any car, as herein provided for shall subject the company to a fine of not to exceed twenty-five dollars for every such neglect or failure, to be recovered in any court of competent jurisdiction.

Commissioners authorized to station special policemen at railway crossings at expense of railroad companies.

Penalty.

SEC. 4. That the company or corporation installing an underground electric system under authority of this Act shall deposit such sum or sums as the Commissioners may require to cover the cost of District inspection and the cost of changes to public works in the streets.

Deposits.

SEC. 5. That nothing herein shall be construed to relieve the said Belt Railway Company from any just liability, nor in any manner as affecting any valid subsisting claim of any creditor against said corporation.

Not to relieve from liabilities.

SEC. 6. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 24, 1898.

BRIGHTWOOD RAILWAY COMPANY.

AN ACT To incorporate the Brightwood Railway Company of the District of Columbia. October 18, 1888.
Stats. 25, p. 560.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That M. M. Parker, A. A. Thomas, C. M. Anderson, C. B. Pearson, and Joseph Paul, of the District of Columbia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, under the name of the Brightwood Railway Company of the District of Columbia, and may make and use a common seal, and by that name may sue and be sued, plead and be impleaded, with authority to construct and lay down a single or with the approval of the Commissioners of the District a double track railway, with the necessary switches, turn-outs, and other mechanical devices and sewer connections, necessary to operate the same by horse, cable, or electric power, in the District of Columbia, through and along Brightwood avenue, from Boundary street to the boundary-line of the District of Columbia, with the right to run public carriages thereon propelled by horse, electric, or cable power. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly incorporated street-railway company in the District of Columbia, both companies shall use the same tracks, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said companies fail to agree upon equitable terms, either of said companies may apply, by petition, to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said corporation is authorized and empowered to propel its cars on such other lines as it shall coincide with by cable-power, or such other motive power as it shall use to propel its own cars with on the routes prescribed in this act, and may repair and construct such proportions of its road as may be upon the line or route or routes of any other road thus used; and in case of any disagreement regarding such construction or repairs, with any company whose line is thus used, such disagreement may be heard and determined summarily upon the application of either road to any court in said District having common-law jurisdiction. Said company shall receive a rate of fare not exceeding five cents for each passenger, for each continuous

Brightwood
Railway Co. in-
corporated
(amended).

Motive power.
Route (extend-
ed).

Coinciding
tracks.

Compensation
for use.

Motive power
on other tracks.

Disagreement
as to repairs.

Fare.

ride between all points of its line, but shall sell six tickets for twenty-five cents: *Provided*, If electric wires or cables are used the same shall be placed under ground:

Wires to be under ground (re-pealed).

Annual report.

Taxes.

Construction.

Paving.

Repairs.

Changes of grade.

Excavations.

SEC. 2. That the said railway company shall, on or before the fifteenth of January of each year, make a report to Congress of the names of all the stockholders therein, and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by affidavit of the president and secretary of said company; and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the Commissioners to cause to be instituted judicial proceedings to forfeit this charter; and said company shall pay to the District of Columbia, in lieu of taxes upon personal property, including cars and motive power, for each year, four per centum of its gross earnings upon its traffic, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments upon its personal property, used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District, provided its tracks shall not be taxed as real estate.

SEC. 3. That the said railway shall be laid upon such part of the road as may be designated by the Commissioners of the District, and must be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the Commissioners of the District, laid upon an even surface with the pavement of the street, and in such a manner as to interfere with the ordinary travel as little as practicable; and the gauge to correspond with that of other city railroads.

SEC. 4. That the said corporation shall, at its own expense, keep its tracks, and for the space of two feet beyond the outer rails thereof, and also the space between the rails and tracks, well graded or paved and in good repair, so as to impede the general travel as little as possible.

SEC. 5. That in the event of a change of grade at any time of any of the streets, avenues, or roads occupied by the tracks of this corporation it shall be the duty of said company to change its said railroad so as to conform to such grade as may have been thus established at its own expense.

SEC. 6. That it shall be lawful for said corporation, its successors or assigns, with the approval of the Commissioners of the District of Columbia, to make all needful and convenient trenches and excavations and sewer connections,

in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the Commissioners of the District of Columbia; it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, subject to the approval of the Commissioners of the District, an engine house or houses, boiler house or houses, and all other buildings necessary for the successful operations of an electric or cable-motor railroad.

Engine houses, etc.

SEC. 7. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, at a rate of speed exceeding fifteen miles per hour; and for each violation of this provision said corporation, its successors or assigns, as the case may be, shall be subject to a penalty of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

Speed.

SEC. 8. That the said railway shall be commenced within three months and completed to Brightwood within twelve months from the passage of this act; and the entire line to be completed in two years from the passage of this act.

Commencement and completion.

SEC. 9. That the capital stock of said company shall not exceed, if horse power is to be used, sixty thousand dollars. If electric motor power is to be used, the capital stock shall not exceed one hundred and two thousand dollars. If propelled by cable, the capital stock shall not exceed two hundred and four thousand dollars; that the stock shall be divided into shares of fifty dollars each, transferable in such manner as the by-laws of said company may direct; and said company shall require the subscribers to the capital stock to pay in cash the amount by them respectively subscribed, at such times (after the first installment) and in such amounts as the board of directors may deem proper and necessary in the construction of said road; and if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment; and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder, and the sale shall be conducted under such general regulations as may be made in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber, in any court of competent jurisdiction.

Capital stock.

Payments.

Failure to pay assessments.

Cars.

Equipment.

Time-table.

Shops, depots,
etc.

Lost articles.

Organization.

Payment at
time of subscri-
ing.Payments to be
in money.First meeting
of stockholders.

SEC. 10. That the company shall place cars of the best construction on said railway, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a table or schedule fixed by the company, a copy of which shall be filed with the Commissioners of the District of Columbia and approved by them.

SEC. 11. That the company shall buy, lease, or construct such passenger-rooms, ticket-offices, workshops, depots, lands, and buildings as may be necessary at such points on its line as may be approved by the Commissioners of the District.

SEC. 12. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public, and if said property remains unclaimed for one year the company may sell the same after five days' notice.

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than five days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice by advertisement in at least two daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum, at the time of subscribing, except lawful money or certified checks from any national bank. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two newspapers published daily in the city of Washington, and by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 14. That the government and direction of the affairs of the company shall be vested in a board of nine directors, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the said directors, a majority of whom shall be a quorum, shall elect one of their number president of the board, who shall also be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, the latter of whom shall give bonds with good and sufficient surety to said company in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by death, resignation, or otherwise the vacancy so occasioned shall be filled by the remaining directors.

SEC. 15. That the directors shall have the power to make such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company and the management of its business, not contrary to this charter or to the laws of the United States and the ordinance of the District of Columbia.

SEC. 16. That there shall be an annual meeting of the stockholders to choose directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

SEC. 17. That said company shall have at all times the free and uninterrupted use of its road-way; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway or depots, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall also be liable to said company, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 18. That said company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not unnecessarily interrupt the travel of such other railways in such construction.

SEC. 19. That Congress reserves the right to alter, amend, or repeal this act.

Approved, October 18, 1888.

July 26, 1892. AN ACT To amend an act entitled "An act to incorporate the Brightwood Railway Company of the District of Columbia."
Stats. 27, p. 270.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter granted to the Brightwood Railway Company by an act of Congress approved October eighteenth, eighteen hundred and eighty-eight, be, and the same is, amended as follows:

"That within six months from the date of the approval of this act, the said Brightwood Railway Company shall equip and operate its existing line with the overhead trolley system of electric motive power, and shall thereafter maintain the road in first-class condition. That the road shall be supplied entirely with new cars of the most approved pattern, which shall be run as the public convenience shall require, but not less frequently than one car every fifteen minutes from each end of the line, between five o'clock ante meridian and twelve o'clock midnight.

"SEC. 2. That within twelve months from the date of the approval of this act the said Brightwood Railway Company shall extend its tracks to the District line, as provided in the original charter of said company, and shall operate the new portion of the line in the same manner and under the same conditions as hereinbefore provided for the operation of those portions of the road already built. The said company shall also construct and maintain a branch line, beginning at a point, to be located by the Commissioners of the District of Columbia, west of the Baltimore and Ohio Railroad track on Fifth street in Takoma Park; thence along Fifth street to Umatilla street; thence west along Umatilla street to and across Piney Branch road, and thence to Brightwood avenue by such route as the Commissioners of the District of Columbia shall approve. Said branch line shall be operated by the overhead trolley system; and when the company lays its double track from Brightwood to Takoma Park said tracks shall be laid on one side of the said road; the cars used shall be first-class in every respect, and the schedule of the running of cars shall be subject to the approval of the District Commissioners, but cars shall be run as often as one every fifteen minutes between the hours of five o'clock ante meridian and twelve o'clock midnight. Work on the said branch road shall be begun within two months and completed, with cars running thereon, within one year from the date of the approval of this act.

"SEC. 3. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, or upon which any necessary buildings may be required to be located, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding one hundred feet in width, for its roadway, and of so much as may be necessary for buildings, and so forth, may be instituted in the usual way in

the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

"SEC. 4. That any failure to comply with any of the provisions of this act shall work a forfeiture of the original charter of the said Brightwood Railway Company. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

"SEC. 5. That Congress reserves the right to alter, amend, or repeal this act."

Approved, July 26, 1892.

AN ACT To amend the charter of the Brightwood Railway Company of the District of Columbia.
February 27, 1893.
Stats. 27, p. 490.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Brightwood Railway Company of the District of Columbia is hereby authorized to construct, equip, and operate, with the overhead trolley system of electric motive power, a branch line of road and to run its cars thereon through and along the following-named roads or streets in the District of Columbia:

Beginning at the intersection of the Rock Creek Church road and Richmond street, in the subdivision of Petworth, and running thence westerly along said Richmond street to Brightwood avenue; thence Southerly along the present tracks of the said Brightwood Railway on said Brightwood avenue, to the intersection of Marshall street with said Brightwood avenue; thence westerly along and over said Marshall street to Kenyon avenue; thence along said Kenyon avenue westerly to Fourteenth street.

SEC. 2. That work on said branch road shall be begun within six months and completed—with cars running thereon—within one year from the date of the approval of this act. (And said branch road shall be supplied with new cars of the most approved pattern, which shall be run as the public convenience may require, and said branch road shall be maintained in first-class condition.) And said Brightwood Railway Company shall charge not exceeding five cents fare for one continuous ride from any point on its line to the terminus of its main line or any of its branches.

SEC. 3. That for the purpose of constructing and equipping its said branch line, as provided for in this act, the said Brightwood Railway Company is hereby authorized and empowered to issue its bonds to aid in paying for such construction and equipment of its said branch line, and to secure the said bonds by mortgage or deed of trust of its right of way and all of its property of whatsoever kind, whether real, personal, or mixed, on said branch line: *Provided*, That the moneys raised on said bonds shall be used and expended only for the construction and equipment of

Limit of bond issue. said branch line: *And provided further*, That the amount of said bonds shall not exceed the actual cost of the right of way, construction, and equipment, motive power, and such land and buildings as may be necessary to the practical and complete operation of said branch line.

Coinciding tracks. SEC. 4. That, should any part of the branch line of said Brightwood Railroad herein provided for coincide with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracts shall be used when, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the Commissioners of the District, and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party and on such notice to the other party as the court may order.

Land for roadway and buildings. SEC. 5. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said branch line may be located to pass or upon which any necessary buildings may be required to be located, proceedings for the condemnation for the use of said company of so much of said land as may be required, not exceeding one hundred feet in width, for its roadway, and of so much as may be necessary for buildings, and so forth, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

Charter amended. SEC. 6. That this act shall be considered as an amendment to the act approved October eighteenth, eighteen hundred and eighty eight, granting a charter to the Brightwood Railway Company, and shall be construed as being subject to all the powers, privileges, limitations, and conditions of said original act, except as specifically provided otherwise herein.

SEC. 7. This act may be altered, amended or repealed by Congress at any time, at its discretion.

Approved, February 27, 1893.

July 7, 1898. AN ACT To require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Brightwood Railway Company of the District of Columbia be, and it is hereby, required, within one month from the passage of this Act, to vacate that part of its road lying on Kenyon and Marshall streets, between Seventh and Fourteenth streets, in said District, and remove its tracks and poles therefrom: *Provided, however*, That said company shall have the right at any time within one year

To vacate lines on Marshall and Kenyon streets.

from the passage of this Act to equip and operate said road with underground electric power, such as is now used by the Metropolitan Railroad Company. In case said company shall neglect or refuse to equip said road as aforesaid within said period of one year, then their right to do so shall stand as forfeited and their charter repealed as to said part of said road: *And provided further*, That in case said railroad company shall refuse to remove its tracks and poles from said street within thirty days as aforesaid, then its charter to that part of said road shall stand forfeited and repealed from said date, and after the expiration of said thirty days said Brightwood Railway Company shall be liable to a fine of twenty-five dollars a day for each day its tracks, or any part thereof, or its poles, or any one of them, shall remain in said Kenyon or Marshall streets, said fine to be collected in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

Forfeiture.

Penalty.

SEC. 2. That said railway company, for the purpose only of equipping said branch with underground electric power, shall have the right to issue its bonds bearing interest not to exceed six per centum per annum, payable at such time as the officers of the company may deem expedient: *Provided*, That the issue of said bonds shall not in the aggregate exceed the amount necessary for the equipment aforesaid, and the total outstanding bonds and stock shall in no event exceed the sum of one hundred and fifty thousand dollars per mile of single track.

Bonds.

SEC. 3. That the Brightwood Railway Company is hereby directed to sell four coupon tickets for twenty-five cents for use over the lines of said company and the Capital Traction Company and to redeem the coupons when presented by said Capital Traction Company; and the provisions of section five of the Act approved February twenty-sixth, eighteen hundred and ninety-five, entitled "An Act to amend the charter of the Metropolitan Railroad Company of the District of Columbia," which relate to the issue, use, and redemption of said tickets and coupons in the case of the Brightwood Railway and the Metropolitan Railroad companies, and the penalty for violation of the provisions of said section of said Act, and the recovery of said penalty, and the authority and jurisdiction of certain courts to enforce the requirements and provisions of said section, shall apply to the issue, use, and redemption of coupon tickets on the lines of said Brightwood Railway and Capital Traction companies; and the aforesaid provisions of said section are hereby made a part of this Act.

Directed to sell 4 coupon tickets for 25 cents good on lines of Capital Traction Co.

Act of February 26, 1895, regarding coupon tickets extended to apply to this act.

Approved, July 7, 1898.

CAPITAL RAILWAY COMPANY.

AN ACT To incorporate the Capital Railway Company.

March 2, 1895.
Stats. 28, p. 721.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John B. Stetson, Augustus Burgdorf, Clarence F. Norment, Arthur E. Randle, Harry Upson Sims, Henry C. Longnecker, W. Frederick Snyder, Joseph B. Lewis, and William Henry Randle, of , their associates and assigns, be, and they are hereby, created a body corporate under the name of the Capital Railway Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized to construct and lay down a street railway, with the necessary switches, turn-outs, and other mechanical devices in the District of Columbia, and run cars thereon for carrying passengers, parcels, milk, and truck by and along the following route: Beginning at a point on the District line near the Potomac River, southeast of Shepherds Ferry, thence north by such route as shall be approved by the District Commissioners to the south side of the Eastern Branch or Anacostia River, thence across the same by transfer ferry to First street or South Capitol street, as may be approved by the District Commissioners, to M street, over the same route to the beginning; also commencing at Anacostia railroad tracks and Harrison street, Anacostia; thence along Harrison street and Good Hope Road, Good Hope Road extended, to the District line, and return over same route. These routes may be modified or extended at the will of Congress, and the Capital Railway Company shall comply with such modifications or extensions.

Capital Railway Co., incorporated (amended).

Authorized to carry passengers, parcels, milk, and truck.

Route (amended).

Ferry (repealed).

SEC. 2. That whenever the roadway of any street occupied by the Capital Railway Company is widened, one-half of the cost of widening and the improvement of such widened part shall be charged to the said railway company, and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof, is collectible under the provisions of section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Widening of streets.

Route along country road. SEC. 3. That when the route described coincides with that of a country road of less width than sixty-six feet the railway shall be constructed entirely outside the road.

Construction. SEC. 4. That the said railway shall be constructed in a substantial and durable manner, and all rails, electrical and mechanical appliances, conduits, stations, and so forth, shall be approved by the Commissioners of the District of Columbia.

Paving. SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia, or their successors, may direct, and whenever any street occupied by said railway is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia, and the amounts due from said corporation shall be collected as provided by section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Lights. SEC. 6. That if the said railway be operated by overhead wires, the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but no overhead wires shall be constructed or used within the limits of the city of Washington.

Change of grade. SEC. 7. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewerage thereof; in such event it shall be the duty of said company at once to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

Excavations. SEC. 8. That it shall be lawful for said railway company, its successors or assigns, having first obtained the permission of the District Commissioners therefor, to make all needful and convenient trenches and excavations in any of said streets or places where said company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means herein provided, but shall forthwith restore the street to like good condition as it was before. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind, then the expense necessary to change such underground constructions shall be borne by the said railroad company.

SEC. 9. That the said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States, to the credit of the Washington Aqueduct, such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may consider necessary, any of the work that the said company may neglect or refuse to complete, and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus; and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War.

SEC. 10. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, on private grounds, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of its railroad.

SEC. 11. That the line of the said railway company shall be commenced within one year and completed within three years from date of the passage of this Act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this Act shall immediately cease and determine.

SEC. 12. That the said company may run public carriages propelled by cable, electric, or other mechanical power; but nothing in this Act shall allow the use of steam power in locomotives, or of overhead trolleys within the limits of the city: *Provided*, That if electric power by trolley be used, that the said company shall be liable for all damages made thereby to subsurface metal pipes, and to other public and private property: *Provided further*, That for the purpose of making a continuous connection over the route hereinafter described the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route, and shall have the right to construct ferry slips and to operate and maintain a steam transfer ferry from a point at or near the foot of South Capitol

Deposit for water mains.

Engine houses, etc.

Commencement and completion (modified).

Motive power.

Damage to pipes, etc., by electrolysis.

Crossings.

Ferry slips and ferry.

street to the opposite shore of the Anacostia River, for the purpose of transferring its passengers, and so forth, or cars, subject to the approval of the Commissioners of the District of Columbia: *Provided further*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street railway company in the District of Columbia the tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines; that said corporation is authorized and empowered to propel its cars over the line of any other road or roads which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this Act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used such disagreement may be summarily determined upon the application of either road to any court in said District having competent jurisdiction.

Passenger houses. **Cars.** **Time-table.** **Penalty.** **Speed.** **Ice and snow. Use of tracks.**

Sec. 13. That the said company shall furnish and maintain passenger houses, as required by the Commissioners of the District of Columbia, and shall use first-class cars on said railway, with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, in accordance with a time-table to be subject to the approval of the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

Sec. 14. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, mode of use of tracks, and removal of ice and snow as in their judgment the interest and convenience of the public

may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation said company shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

Sec. 15. That within thirty days after the passage of this Act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company and for the receiving of subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay at the time of subscribing ten per centum in cash of the amount by him subscribed to the treasurer appointed by the corporation, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money or certified checks from any established national bank. And when the books of the subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Sec. 16. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall be a quorum, shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and a treasurer, who shall give bond with surety to said company, in such sums as the said directors may require, for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director the vacancy occasioned thereby shall be filled by the remaining directors.

Sec. 17. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

Organization of company.

10 per cent to be paid on stock.

Corporators to call meeting of stockholders.

Government of company vested in directors.

Officers.

By-laws.

Annual meeting of stockholders.

SEC. 18. That there shall be at least an annual meeting of the stockholders for choice of directors, to be holden at such time in the District of Columbia, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

Capital stock limited.

SEC. 19. That said company is hereby authorized to issue its capital stock to an amount not to exceed the estimated cost of the construction and equipment of the road in shares of fifty dollars each, and to issue bonds not to exceed the cost of construction of the road, but such stock and bonds shall not exceed in the aggregate more than the actual cost of the right of way, construction, and equipment of said road. Said company shall require the subscribers to the

How to be paid in.

capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed by them, as follows, namely: Ten per centum at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after seasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction: *Provided*, That no certificates of stock shall be issued until the same has been paid for in money at its face value.

Articles left in cars.

SEC. 20. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Annual report to Congress.

SEC. 21. That said company shall, on or before the first of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and, if said report is not made at the time

specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: *Provided*, That its tracks shall not be taxed as real estate.

Taxes.

SEC. 22. That said company may receive a rate of fare not exceeding five cents per passenger; and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

Fare.

SEC. 23. That the said company shall have at all times the free and uninterrupted use of the roadway, subject to the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Free use of roadway.

Penalty for interference.

SEC. 24. That the Capital Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this Act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

Crossings.

SEC. 25. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Ejection from cars.

Condemnation
of land.

SEC. 26. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located or pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding twenty feet in width, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes: *Provided*, That any property owner shall have the right of trial by jury in such issue.

Commencement
and completion.

SEC. 27. That should the Capital Railway Company fail to commence or complete the construction of its road within the limit of time prescribed by this Act, all rights, franchises, and privileges herein granted shall cease and determine.

Location of
tracks, etc., to be
approved by
Commissioners.

SEC. 28. That all plans of location and construction of tracks and other structures in public places pertaining to said railway shall be subject to the approval of the Commissioners of the District of Columbia, and all work thereof shall at all times be subject to their supervision. The said company shall, from time to time, deposit with the collector of taxes of the District of Columbia such amounts as may be deemed necessary by said Commissioners to cover the costs of inspection, supervision, changes to water pipes and sewer connections, changes of curb and pavement, and work not otherwise provided for, which may be made necessary by the location, grade, or underground conduits of said railway. Any unexpended balance remaining after construction of said road shall be returned to said company with an account in full of the disbursement of such deposits.

Conditions
etc., shall be
complied with.

SEC. 29. That all the conditions, requirements, and obligations imposed by the terms of this Act upon the Capital Railway Company shall be complied with by any and all the successors to and assigns of said company.

Repeal, etc.

SEC. 30. That this Act may at any time be altered, amended, or repealed by the Congress of the United States.

Approved, March 2, 1895.

May 28, 1896.
Stat. 29, p. 187.

AN ACT To amend an act entitled "An act to incorporate the Capital Railway Company," approved March second, eighteen hundred and ninety-five.

Capital Rail-
way Co.; charter
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate the Capital Railway company," approved March second, eighteen hundred and ninety-five, be, and the same is hereby, amended by striking out in the first section all after the words "have a common seal," to the end of the section, and inserting the following: "Said corporation is hereby authorized to construct and lay down and complete a single or double track street railway in the District of Columbia, and run cars thereon for carrying passengers by and along the fol-

lowing route: Beginning at a point on the District line near the Potomac River southeast of Shepherd's Ferry, thence by such route as shall be approved by the Commissioners of the District of Columbia to the south side of the Eastern Branch or Anacostia River at the Navy-Yard bridge; thence across said bridge to Eleventh street east; thence north on Eleventh street east to M street south; thence west on M street to a point to be located by the District Commissioners near Eighth street east, connecting with the lines of the Capital Traction Company, also continuing from said Eleventh and M streets north on Eleventh street to the south building line of East Capitol street, and returning over the same route to the point of beginning. Also, beginning at the eastern end of the Navy-Yard bridge, easterly along Monroe and Harrison streets and Good Hope road, and from Good Hope road to the District line, over such route as the District Commissioners shall approve, and returning over the same route to the point of beginning: *Provided*, That within the city of Washington a double-track railway shall be constructed: *Provided further*, That the line of said railway company shall be commenced within three months and completed within one year from the date of the passage of this Act, with the exception mentioned in section four of this Act."

Route.

Double tracks
in city.

Commence-
ment and com-
pletion.

Motive power.

SEC. 2. That the motive power to be used on the lines in this Act specified shall be the underground electric system within the city of Washington and the overhead trolley system outside the city of Washington. For crossing the Navy-Yard bridge the said company may, in the discretion of the Commissioners of the District of Columbia, use either horse power or the underground electric system to propel its cars; and the said company shall have the privilege of carrying an electric current across the said Navy-Yard bridge in such manner as the said Commissioners of the District of Columbia shall prescribe.

SEC. 3. That the Capital Railway Company, the Metropolitan Railroad Company, and the Capital Traction Company are hereby required to issue free transfers at the point of intersection of their respective lines, so that for the payment of one fare a passenger on either road shall have the privilege of riding over the lines of both.

Free transfers
with Metropoli-
tan and Capital
Traction com-
panies.

SEC. 4. That the portions of the company's route from Congress or Pencote Heights to Shepherd's Landing and the Harrison street branch east to the District line shall be completed within two years from the passage of this Act: *Provided*, That failure to complete the said portions of the routes as provided for in this section, and, also, failure to complete the extension on Eleventh street east shall operate to repeal the authority to build said portions; and shall not repeal the charter of said company.

Branch to
Shepherd's Land-
ing and District
line.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this Act.

Amendments,
etc.

Approved, May 28, 1896.

June 15, 1898. AN ACT To amend the charter of the Capital Railway Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Trolley on Navy-Yard Bridge. the Capital Railway Company is hereby authorized to install and use the double overhead-trolley system on the Navy-Yard Bridge for the purpose of propelling its cars across the same, the speed on the bridge not to exceed the rate of three and a half miles an hour and the double trolley wires to be protected by a wooden trough and thoroughly insulated from said bridge; details of construction to be subject to the approval of the District Commissioners.

Speed.

Details of construction.

Time extended. SEC. 2. That the time granted the Capital Railway Company to construct its road by Act approved May twenty-eighth, eighteen hundred and ninety-six, is hereby extended one year from the approval of this Act, and if the underground system now used by the company is finally rejected, it is authorized to install an underground system essentially similar to that used by the Metropolitan Railway Company.

Underground system. SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 15, 1898.

CAPITAL TRACTION COMPANY (EMBRACING THE ROCK CREEK RAILWAY COMPANY AND THE WASHINGTON AND GEORGETOWN RAILROAD COMPANY).

AN ACT To incorporate the Washington and Georgetown Railroad Company. (Now the Capital Traction Company.)^a

May 17, 1862.
Stats., 12, p. 388.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Eliab Kingman, Franklin Tenney, J. J. Coombs, Sayles J. Bowen, Charles H. Upton, Henry Addison, Hallett Kilbourne, and their associates and assigns be, and they are hereby created a body corporate, under the name of the "Washington and Georgetown Railroad Company," with authority to construct and lay down a double track railway, with the necessary switches and turnouts, in the cities of Georgetown and Washington, in the District of Columbia, through and along the following avenues and streets: Commencing on Bridge street, at the intersection with High street, or at such point on said Bridge street east thereof, in the city of Georgetown, as may be designated hereafter by the corporate authorities thereof, along said Bridge street to its intersection with the street running to the tubular bridge over Rock creek to Pennsylvania avenue, in the city of Washington; along said avenue to Fifteenth street west; along said street south to said avenue; along said avenue to the foot of the Capitol grounds; thence around the southern boundary of the Capitol grounds; and along their southern boundary easterly to Pennsylvania avenue; along said Pennsylvania avenue to Eighth street east, or Garrison street; and along said street south to the Navy Yard gate, with a lateral road running along the eastern front of the Capitol from the southern to the northern gate, and thence by "A" street to the depot of the Baltimore and Ohio railroad; and thence from said depot through First street west to Pennsylvania avenue, so as to intersect with said main road; also a double or single track branch railway, commencing at Boundary street north and running down Seventh street west to Pennsylvania avenue and to the Potomac; also, a railway commencing at Boundary street and running down Fourteenth street west and New York avenue to Pennsylvania avenue to a point of intersection with said first-mentioned railway, with the right to run public carriages thereon drawn by horse-

Washington and Georgetown Railroad Company incorporated (amended).

Route (extended).

Horse power.^b

^a Merged into the Capital Traction Company, under authority of Act of Congress, approved March 1, 1895.

^b Motive power changed to cable, under authority of act of Congress approved March 2, 1889.

power, receiving therefor a rate of fare not exceeding five cents a passenger for any distance between the termini of either of the said main railway, or between the termini of either of said branch railways, or between either terminus of said main railway and the terminus of either of said branch railways: *Provided*, That the use and maintenance of said road shall be subject to the municipal regulations of the cities of Washington and Georgetown, respectively, within their several corporate limits; and that whenever the Capitol grounds shall be enlarged, then the said routes shall be made to conform thereto.

Use of road
subject to mu-
nicipal regula-
tions.

Taxation.

SEC. 2. *And be it further enacted*, That said roads shall be deemed real estate, and they, together with other real property and the personal property of said body corporate, shall be liable to taxation as other real estate and personal property in the cities aforesaid, except as hereinafter provided.

Railway—how
to be laid.

SEC. 3. *And be it further enacted*, That the said railway shall be laid in the centre of the avenues and streets, as near as may be, without interfering with or passing over the water or gas pipes, in the most approved manner adapted for street railways, with rails of the most approved patterns, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets; and the space between the two tracks shall not be less than four feet nor more than six feet, and the carriages shall not be less than six feet in width, the gauge to correspond with that of the Baltimore and Ohio Railroad.

Tracks to be
kept in order by
the company.

SEC. 4. *And be it further enacted*, That the said corporation, hereby created, shall be bound to keep said tracks, and for the space of two feet beyond the outer rail thereof, and also the space between the tracks, at all times well paved and in good order, without expense to the United States or to the cities of Georgetown and Washington.

Grade to be al-
tered when re-
quired.

SEC. 5. *And be it further enacted*, That nothing in this act shall prevent the Government, at any time, at their option, from altering the grade or otherwise improving Pennsylvania avenue, and such other avenues and streets as may be occupied by said roads, or the cities of Washington and Georgetown from so altering or improving such streets and avenues as may be under their respective authority and control, and in such event it shall be the duty of said company to change their said railroad so as to conform to such altered grade and pavements.

Act may be al-
tered, repealed,
etc.

SEC. 6. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Not to issue
notes, etc., as
currency.

SEC. 7. *And be it further enacted*, That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token, device, scrip, or other evidence of debt to be used as a currency.

Capital stock.

SEC. 8. *And be it further enacted*, That the capital stock of said company shall be not less than three nor more than five hundred thousand dollars, and that the stock shall be

divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.

SEC. 9. *And be it further enacted*, That the said company shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon during the day as often as every five minutes, except as to Seventh and Fourteenth streets, and on these once in fifteen minutes each way, and until twelve o'clock at night as often as every half hour; and throughout day and night as much oftener as public convenience may require.

Cars.

Schedule.

SEC. 10. *And be it further enacted*, That said company shall procure such passenger rooms, ticket offices, stables, and depots at such points as the business of the railroad and the convenience of the public may require. And the said company is hereby authorized to lay such rails through transverse or other streets as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks. And the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above mentioned.

Passenger
rooms, stables,
etc.

Tracks be-
tween stables
and depots.

Lands for de-
pots, etc.

SEC. 11. *And be it further enacted*, That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to their principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Articles left in
cars.

SEC. 12. *And be it further enacted*, That said corporation shall, on demand of the President of the United States, Secretary of War, or Secretary of the Navy, cause to be transported over said railway any freight cars laden with freight for the use of the United States; the officers causing such service to be done shall pay a reasonable compensation therefor.

Use of road by
Government.

SEC. 13. *And be it further enacted*, That within five days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the city of Washington, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days; and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened, and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void. If at the end

Books of sub-
scription.

Advertisement

Payment at
time of subscrib-
ing.

of two days a larger amount than the capital stock of said company shall have been subscribed, the books shall be closed, and the said corporators named in the first section shall forthwith proceed to apportion said capital stock among the subscribers pro rata, and make public proclamation of the number of shares allotted to each, which shall be done and completed on the same day that the books are closed: *Provided, further*, That nothing shall be received in payment of the twenty-five per centum at the time of subscribing except money or checks or certificates of deposit endorsed "good" by the president or cashier of some good solvent bank or banks. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two public newspapers, published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Directors. SEC. 14. *And be it further enacted*, That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year and till others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom, the president being one, shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall give bonds with surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

By-laws, rules, etc. SEC. 15. *And be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the Charter, or to the laws of the United States, and the ordinances of the cities of Washington and Georgetown.

Annual meeting. SEC. 16. *And be it further enacted*, That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice, as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders and to Congress.

Apportionment of stock.

First meeting of stockholders.

Directors.

Officers.

By-laws, rules, etc.

Annual meeting.

Report.

SEC. 17. *And be it further enacted*, That the Mayor, Common Council, and the several officers of the Corporation of the cities of Georgetown and Washington, and the said Corporations are hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operation of said railroad, as herein authorized.

SEC. 18. *And be it further enacted*, That the said company shall have at all times the free and uninterrupted use of their road-way, and if any person or persons shall wilfully and unnecessarily obstruct or impede the passage on or over said railway, or any part thereof, or shall injure or destroy the cars, depot stations, or any property belonging to said railway company, the person or persons so offending shall forfeit and pay for every such offence the sum of five dollars to said company, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid, but no suit shall be brought unless commenced within sixty days after such offence shall have been committed.

SEC. 19. *And be it further enacted*, That unless said corporation shall make and complete their said railways between the Capitol and Georgetown within sixty working days from and after the company shall have been organized, and from the Capitol to the Navy Yard within sixty days thereafter, and on said Seventh street, and from said Boundary street, on Fourteenth street, to the point of intersection as aforesaid, within six months from the approval of this act, then this act shall be null and void and no rights whatsoever shall be acquired under it.

SEC. 20. *And be it further enacted*, That all acts and parts of acts heretofore passed, which are inconsistent with any of the provisions of this act, are, for the purposes of this act, hereby repealed, so far as the same are inconsistent herewith.

Approved, May 17, 1862.

AN ACT To amend the charter of the Washington and Georgetown Railroad Company. June 30, 1864. Stats. 13, p. 322.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Georgetown Railroad Company shall have the right to extend their horse railway on any public highway in the county of Washington, commencing at the present terminus of either of their roads, extending north from 7th and 14th streets, and from the Capitol square to Maryland avenue; and extending north from the eastern extremity of that avenue, first having obtained the consent of the Levy court therefor; and may charge additional fare of five cents for every three miles on each branch so extended, for each and every passenger conveyed upon any road constructed in said county of Washington, outside of the limits of the cities of Washington and Georgetown:

Municipal officers not to obstruct road, etc.

Free use of roadway.

Time for completing.

Repeal of inconsistent laws.

W. and G. R. R. Co.

Extension of road on 7th and 14th sts. extended.

Additional fare.

Provided, That nothing herein contained shall be construed so as to prevent Congress from regulating the fare on either of said roads, or altering or amending the original charter of said company, or this amendment thereto, according to the provisions of said original charter.

Approved, June 30, 1864.

July 8, 1870. AN ACT To provide for the paving of Pennsylvania avenue.
Stats. 16, p. 196. * * * *

SEC. 3. *And be it further enacted*, That the cost of laying down said pavement shall be borne and paid for in the following proportions: By the Washington and Georgetown Railroad Company for that portion of the work lying between the tracks of their road, and for a distance of two feet on each side thereof; * * * The said railroad company shall have the right to select the material with which the pavement between the rails and between the tracks shall be made: *Provided*, That the said pavement on said tracks shall be made to the satisfaction of the commissioners.

Approved, July 8, 1870.

April 20, 1871. Deficiency act, 1871.
Stats. 17, p. 10. * * * *

That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, for the purpose of repairing and relaying, where necessary, the pavement on Pennsylvania avenue from 15th street to the east side of Rock creek: *Provided*, That a like sum shall be expended for the same purpose by the proper authorities of the District of Columbia: *And provided further*, That the Washington and Georgetown Railroad Company shall in like manner repair such portion thereof as they are by their charter required to do; the work to be done under the supervision of the board of public works for the District of Columbia.

Approved, April 20, 1871.

May 8, 1872. Legislative, executive, and judicial appropriation act, 1873.
Stats. 17, p. 84. * * * *

SEC. 12. That the Washington and Georgetown Railroad Company and the Metropolitan Railroad Company be, and they are hereby required to remove their tracks, respectively, from the Capitol grounds, as hereby established, and to run the same as they may be directed, from time to time, by the officer in charge of the public buildings and grounds, as the grading and filling up of said grounds may

render necessary. That a commission, consisting of the Secretary of the Interior, the chief engineer of the army, and the officer in charge of public buildings and grounds, is hereby authorized and directed to examine and report to Congress, prior to the second Monday of December next, a plan by which the locomotive railroad track in front of western entrance of the Capitol shall be removed, with due regard to the rights of all parties concerned, and by which proper connections with other railroads may be made.

Approved, May 8, 1872.

Legislative, executive, and judicial appropriation act, 1876.

March 3, 1875.

* * * and further, that the Washington and Georgetown and the Metropolitan Railway Companies are directed to take up such portions of their tracks as may come in the way of the improvement of the Capitol Grounds and relay the same, as may be directed by the officers in charge of the improvements of the Capitol Grounds.

Approved, March 3, 1875.

Legislative, executive, and judicial appropriation act, 1876.

March 3, 1875.

* * * *And provided further*, That the chief engineer [of the Washington Aqueduct] is hereby directed to notify the Washington and Georgetown Railway Company to remove their railway track from the Washington Aqueduct bridge over Rock Creek, within one year from the date of said notice; and said company shall make such removal within the year aforesaid, and have the right to lay their tracks along 26th street from Pennsylvania avenue to M street north, and thence along M street into Georgetown, to connect with their tracks on Bridge street; and said chief engineer may establish and publish regulations prohibiting the passage of heavily loaded wagons and carriages over said bridge. * * *

Approved, March 3, 1875.

AN ACT To amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872.

March 3, 1875.

Stats. 18, p. 510.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Georgetown Railroad Company may extend its tracks in Washington City, District of Columbia, from 7th street west, down Water street, to the intersection of P street south; thence along said P street to the west side of the Arsenal gate: *Provided*, That wherever

W. and G. R. Co. must move tracks from Capitol Grounds.
Right to lay tracks on 26th st. and M st.
R. Co. Extension of track.

Coinciding the foregoing route may coincide with the route of the
with route of Anacostia and Potomac River Railroad, on Water street or
Anacostia and Potomac River R. R. elsewhere in the District, or connect portions of such route,
but one set of tracks shall be used by both companies;
which are hereby authorized and empowered to use such
tracks in common, upon such fair and equitable terms as
may be agreed upon by said companies; and in the event
the said companies fail to agree upon satisfactory terms,
either of said companies may apply by petition to the
supreme court of the District of Columbia, which shall pro-
vide for proper notice to and hearing of all parties inter-
ested, and shall have power to determine the terms and
conditions upon which, and the regulations under which,
the company hereby incorporated shall be entitled so to use
and enjoy the tracks of such other street railroad company,
and the amount and manner of compensation to be paid
therefor: *And provided further*, That neither of the com-
panies using such track in common shall be permitted to
make the track so used in common the depot or general
stopping place to await passengers, but shall only be en-
titled to use the same for the ordinary passage of their cars,
with the ordinary halts for the taking up and dropping of
passengers: *And provided further*, That said railroad track
shall conform to the grade established by the board of public
works of the District of Columbia.

Approved, March 3, 1875.

July 19, 1876. AN ACT Authorizing the repavement of Pennsylvania avenue.

Stats. 19, p. 92. * * * * *
W. and G. R. R. Co. shall pave
between the rails
and tracks of its
road.
The Washington and Georgetown Railroad Company
shall bear all of the expense for the portion of the work
lying between the exterior rails of the tracks of the road,
and for a distance of two feet from and exterior to the track
on each side thereof, and of keeping the same in repair;
but the said railroad company, having conformed to the
grade established by the Commissioners, may use cobble-
stone or Belgian rock in paving their tracks, or the space
between their tracks, as the Commissioners shall direct.

Approved, July 19, 1876.

August 6, 1890. District appropriation act, 1891.

Stats. 26, p. 310. * * * * *
W. and G. R. R. Co.
Changing mo-
tive power may
increase issue of
stock.
SEC. 3. That any street railroad company in the District
of Columbia authorized to run cars drawn by horses, which
has changed or may change its motive power on any of its
lines now constructed, to cable or electricity, or change its
rails in accordance with the provisions of law, shall have
the right to issue and sell, at the market price thereof, stock
of said company to an amount necessary to cover the cost

of making said changes, the cost of said changes and the
amount of said stock sold, together with the price per share,
to be fully set forth, under the oath of the President of said
Company, and filed with the Commissioners of the District.
And any company availing itself of the privileges herein
granted shall within two years, wholly dispense with horses
as motive power on all portions of its line and substitute
therefor the power provided for in the act making appropria-
tions for the expenses of the District of Columbia, approved
March second, eighteen hundred and eighty-nine, or pneu-
matic or other modern motive power which shall be approved
by the Commissioners of the District of Columbia, but noth-
ing in this act contained shall in any wise authorize the use
of overhead appliances: *Provided*, That if any such company
operating a line or lines of street railroad from Georgetown
or West Washington to and beyond the Capitol grounds
shall fail to substitute for horse power the power herein pro-
vided for on all its lines within two years from the date of
this act, such company shall forfeit its corporate franchise.

Approved, August 6, 1890.

Deficiency act, 1891.

* * * * *
March 3, 1891.
Stats. 26, p. 869.
W. and G. R. R.
Co. to pay cer-
tain judgment.
To the Washington and Georgetown Railroad Company,
three hundred and thirty-three dollars and fifteen cents
costs; and the Washington and Georgetown Railroad
Company, of the District of Columbia, shall pay to the
District of Columbia, within eighteen months from the
approval of this act, the full amount of the judgment that
was rendered against the said company by the supreme
court of the District of Columbia at the suit of the said
District, in cause number twenty-two thousand four hun-
dred and fifty-seven, at law, on the dockets of said court,
with the cost of said cause and interest on said amount
from the date said judgment was rendered until paid, and
that upon the failure of the said company so to pay said
amount, costs, and interest within the time aforesaid, the
charter of the said company shall become forfeit, and all
its rights, privileges, and franchises as a body corporate
shall cease and determine: * * *

Approved, March 3, 1891.

District appropriation act, 1893.

* * * * *
July 14, 1892.
Stats. 27, p. 158.
W. and G. R. R.
Co. to repair M
street bridge.
CARE OF BRIDGES: For ordinary care of bridges, includ-
ing keepers, oil, lamps, and matches, five thousand dollars;
for construction and repairs of bridges, fourteen thousand
dollars; in all, nineteen thousand dollars. That the Wash-
ington and Georgetown Railroad Company is hereby
required to repair the bridge across Rock Creek at M street

northwest at a cost not exceeding ten thousand dollars, said repairs to be made under the direction of the Engineer Commissioner of the District of Columbia and in accordance with plans and specifications to be prepared by him. * * *

Approved, July 14, 1892.

August 23, 1894. AN ACT To amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway.

W. and G. R. R. Co. shall build union transfer station near Aqueduct bridge.

Commissioners shall regulate use of.

Land for station.

Time for completion.

SEC. 3. That in order to accommodate the street railway traffic that may converge at or near the Aqueduct bridge, under authority granted or to be granted by Congress, a passenger station is hereby authorized. Such station shall have ample provision for the safe, convenient, and comfortable transfer of passengers to and from the cars of the street railways using the same. All plans for such station and its necessary approaches shall be subject to the written approval of the Commissioners of the District of Columbia. The said Commissioners shall have the power to settle any differences which may arise between the companies using the said station as to compensation or rentals or as to the necessary regulations for the control of said station. The said passenger station shall be constructed and maintained as a union passenger station, for the use of street railways only, by the Washington and Georgetown Railway Company. Said station shall be located on land already owned or hereafter to be acquired by the aforesaid company, which land shall be bounded on the north by Prospect street, on the east by a line drawn not less than one hundred and twenty feet west on the west line of Thirty-fifth street, on the south by M street, and on the west by Thirty-sixth street northwest. Within one year from the approval of this Act the said Washington and Georgetown Railway Company shall complete the said station and shall extend its tracks on M street northwest to a point not less than one hundred and twenty feet west of Thirty-fifth street, and thence into said station; and thereafter the said company shall cease entirely to switch cars on M street northwest.

Approved, August 23, 1894.

June 23, 1888. AN ACT To incorporate the Rock Creek Railway Company of the District of Columbia. (Now the Capital Traction Co.)^a

Stats. 25, p. 199. Rock Creek Railway Company incorporated (amended).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gardiner G. Hubbard, George Truesdell, Samuel W. Woodward, Otis F. Presbrey, John F. Waggaman, Benjamin K.

^aMerged into the Capital Traction Company, under authority of act of Congress approved, March 1, 1895.

Plain, John Ridout, Albert F. Stevens, Le Roy Tuttle, Lawrence Sands, Edward C. Dean, James B. Wimer, Samuel S. Shedd, Le Roy Tuttle, junior, Robert J. Fisher, junior, and Pitman Mann, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic under the name of the Rock Creek Railway Company of the District of Columbia, and may make and use a common seal, and by that name sue and be sued, plead and be impleaded, with authority to construct and lay down a single or double track railway, with the necessary switches, turn-outs, and other mechanical devices, and sewer connections necessary to operate the same, by horse, cable, or electric power, in the District of Columbia, through and along the following streets, avenues, and roads; Beginning for the main line of said road at the intersection of Connecticut avenue and Boundary street; thence along the middle of Columbia Road to Woodley Road; thence along Woodley Road by single track on west side thereof to Woodley Park; thence diverging from Woodley Road through said park by such route as may be satisfactory to the owners of said park, and subject to the approval of the Commissioners of the District of Columbia, to the westerly line of said park, and returning by the aforesaid route through Woodley Park to the intersection of Woodley Road and Connecticut avenue extended; thence along Connecticut avenue extended to California avenue, formerly Oakland avenue; thence along California avenue to its intersection with Columbia Road, and thence along Columbia Road to the place of beginning; also with the privilege of building and constructing a branch of said road from the westerly line of said Woodley Park near Woodley Road to its intersection with the Tenallytown Road, returning over the same route and connecting at said westerly line of Woodley Park with the main line of said road. Said company shall receive a rate of fare not exceeding five cents for each passenger for each continuous ride between all points of its main and branch lines, but shall sell tickets in packages of six each for not exceeding twenty-five cents per package. Said railway shall be constructed of good materials and in a substantial manner, with the rails of American manufacture and of the most approved patterns, subject to approval by the Commissioners, laid upon an even surface with the pavement of the street or road, imbedded in concrete where the same passes over the surface of the paved streets of the District of Columbia, with the gauge to be approved by the Commissioners of the District of Columbia. The track of said railway, the space between the tracks, and two feet beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporation in good repair, at its own expense, and subject to the approval of the Commissioners aforesaid; and if the corporation shall fail to make the necessary repairs within ten days after notice by the Commissioners of the District of Columbia, the repairs shall be made by the

Route (amended).

Fare.

Construction.

Paving.

said Commissioners, and the cost of such repairs be recovered by the Commissioners before any court of competent jurisdiction, and the amount so paid by the Commissioners shall be a lien upon all property of said company from the time that said repairs are made until paid by said company.

Repairs.

Motive power.

It shall be lawful for said corporation, its successors or assigns, to operate its said road by horse, cable, or electric power, and to make all needful and convenient trenches and excavations and sewer connections in any of said streets, roads, or places where said corporation may have the right to construct and operate its road, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the Commissioners. It shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of said corporation, and subject to the approval of the Commissioners of the District, an engine house or houses, boiler house or houses, and all other buildings necessary for the successful operation of a cable or electric motor railroad. The rate of speed on said road shall not exceed fifteen miles an hour. The work upon the main line of said road shall be commenced within ninety days and the same shall be completed within one year from the date of the passage of this act, and the work upon the branch line thereof shall be commenced within one year and completed within two years from the said date; and if the said work on the main line of said road shall not be so commenced and completed, then the privileges and powers herein granted to said corporation shall be void. The corporators herein named or the corporation hereby created shall not sell or assign any of the rights hereby conferred relating to the line of said road until after the main road hereby authorized shall have been constructed as herein provided.

Engine houses, etc.

Speed.

Commencement and completion.

Capital stock.

Subscriptions.

Sec. 2. That the capital stock of said company shall not exceed, if horse-power is to be used for main line, thirty-two thousand dollars, which may be increased when work is commenced on the branch eleven thousand dollars. If electric-motor power is to be used, the capital stock for the main line shall not exceed sixty thousand two hundred and fifty dollars, which may be increased when work is commenced on the branch twenty thousand dollars. If cable power is to be used, the capital stock for the main line shall not exceed one hundred and twenty-two thousand dollars, which may be increased when work is commenced on the branch forty thousand dollars, in shares of fifty dollars each. Said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the corporators, the amounts severally subscribed by them, as follows, namely: Ten per centum at the time of subscribing and twenty per centum each thirty days thereafter until

fifty per centum thereof shall have been paid, the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless ten per centum thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, or as required by a resolution of the board of directors after ten days notice, in writing, of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments (and the person who offers to purchase the least number of shares for the assessment due), shall be taken as the highest bidder, and the sale shall be conducted according to such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable; or said body may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction. The said company shall place first-class cars on said railways, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a schedule or time-table to be adopted by said board of directors, a copy of which shall be filed with the Commissioners of the District of Columbia, and to be approved by them, and shall not take on any of its cars more passengers than can be accommodated, and shall cause its cars to be heated during the winter season, subject to regulations to be prescribed by the Commissioners of the District of Columbia. The said company shall buy, lease, or construct passenger-rooms, ticket-offices, workshops, depots, lands, and buildings as they may deem necessary, at such points along its line as may be approved by the Commissioners of the District, and as the business of the railway and the convenience of the public may require. Within thirty days after the passage of this act, the corporators named in the first section, and their associates, successors or assigns, or a majority of them, or if any refuse or neglect to act then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till four o'clock in the afternoon, for a period to be fixed by said corporators, not less than ten days (unless the whole stock shall be sooner subscribed) and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void;

Equipment.

Cars, etc.

Passenger rooms, etc.

Books of subscription.

Payment of subscriptions.

Provided further, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money. And when the books of subscription to the capital stock of said company shall be closed, the incorporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within ten days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for seven days in two newspapers published daily in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Directors.

SEC. 3. That the government and direction of the officers of the company shall be vested in the board of seven directors, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly selected and qualified; and the said directors, a majority of whom shall be a quorum, shall select one of their number to be president of the board, who shall be the president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, the latter of whom shall give a bond, with surety, to said company in such sum as the said directors may require for the faithful discharge of his trust. In case of a vacancy in the board of directors, by death, resignation, or otherwise, of any director, it shall be filled by the remaining directors by a majority vote of a quorum thereof. The directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, and require bond and security of any of its officers other than those herein specified, not contrary to the charter, or to the laws of the United States and the laws and ordinances of the District

Power to sell or lease.

Proviso.

Annual meeting.

Free use of roadway.

of Columbia: *Provided,* That said board of directors shall not have the power to sell or lease the said road, or any part thereof, or to purchase or lease any other street railroad, or any part thereof, without first obtaining the written consent of two-thirds of said stockholders and of the Commissioners of the District of Columbia: *Provided,* That said company shall have no power to sell or lease the said road or any part thereof until after the main line has been constructed and operated. There shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders. The said company shall have at all times the free and uninterrupted use of its roadway; and if any person or persons shall willfully

and mischievously and unnecessarily, obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the motive powers of said railway, or depots, stations or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall in addition to said penalty, be liable to said company, for any loss or damage occasioned by his, her, or their acts as aforesaid. No person shall be prohibited the right to travel on the cars of said road, or be ejected therefrom by the company's employees, for any other cause than that of being drunk, disorderly, or contagiously diseased, for the use of obscene and profane language, refusing to pay the legal fare, or a failure to comply with the lawful regulations of the company. The principal offices of said company shall be situated in the District of Columbia, and all books and papers relating to the business of said company shall be kept thereat and open at all times to the inspection of the stockholders. The meeting of stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

Ejection from cars.

Annual report.

SEC. 4. The said Rock Creek Railway Company shall, on or before the fifteenth day of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by the affidavit of the president and secretary of said company; and if the said report is not made at the time specified or within ten days thereafter, it shall be the duty of the Commissioners to cause proceedings to be instituted to forfeit this charter; and said company shall pay to the District of Columbia, as taxes for each year, four per centum of its gross earnings for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of taxes of whatsoever character upon its personal property, but the real estate of the company shall be taxed as other real estate in the District, provided that the tracks of the company shall not be taxed as real estate.

Taxes.

Articles left in cars. SEC. 5. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which shall be open to the inspection of the public; but when such property has been unclaimed for one year the company may sell the same.

Amendment. SEC. 6. Congress reserves the right to alter, amend, or repeal this act at any time.

Received by the President June 12, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

May 28, 1890. AN ACT To change the route of the Rock Creek Railway Company, and for other purposes.
Stats. 26, p. 121.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the Rock Creek Railway Company be, and the same is hereby, amended so as to authorize said company to lay its tracks and to run its cars thereon, through and along the following-named streets, avenues, and places: Commencing at the intersection of Connecticut and Florida avenues; thence easterly along Florida avenue formerly known as Boundary street, to Eighteenth street; thence northerly along Eighteenth street to Columbia road; thence westerly, crossing Columbia road and extending through the Cliffbourne tract, to Rock Creek, on such line as shall be approved by the Commissioners of the District of Columbia; thence crossing Rock Creek on a substantial, elevated iron bridge to be erected by said company at its own expense and approved by said Commissioners, which shall be a thoroughfare open to the public, not less than fifty feet wide, including sidewalks; thence northwesterly through Woodley Park to a point near Woodley road in Connecticut avenue extended, on such line as shall be approved by the Commissioners of the District of Columbia; thence northerly along Connecticut avenue extended to the north line of the District of Columbia; also commencing at the intersection of Eighteenth and U streets northwest; thence east, following U street to Fourteenth street west; *Provided,* That the said company, at its own expense, shall keep its said tracks within the city limits and on Florida avenue and Eighteenth street to Columbia road, and for the space of two feet beyond the outer rails thereof and also the space between the rails and tracks, at all times well paved with asphalt, or such other pavement as the

Proviso.
To keep tracks,
etc., well paved,
etc.

Rock Creek
Ry. Co.
Change of
route.

Route.

Bridge.

Commissioners of the District of Columbia shall approve, and keep the same in good repair; and if said company shall fail to pave or repair the said streets in the manner aforesaid the Commissioners of the District of Columbia shall cause the same to be paved or repaired as aforesaid, and the cost of such paving shall be recovered by the Commissioners against said company in any court of competent jurisdiction, and the amount so paid for such paving or repairing by said Commissioners shall be a lien upon all property of said company from the time that said paving or repairing is made until paid by said company.

SEC. 2. That so much of the original charter of said company, granted by act which became a law June twenty-second, eighteen hundred and eighty-eight, as prescribed a route or routes for the tracks and road of said company be, and the same is hereby, repealed, and that the route or routes prescribed by this act shall be the only route or routes for the tracks and road aforesaid: *Provided,* That said company shall not operate any part of its road by electric power with overhead wires within the city limits.

SEC. 3. That said company is hereby authorized to issue its capital stock to an amount not to exceed the actual cost, more than ten per centum of the right of way, construction and equipment, motive power, and such land and buildings as may be necessary to said road, in shares of one hundred dollars each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed by them, as follows, namely: Ten per centum at the time of subscribing and five per centum each thirty days thereafter, until fifty per centum thereof shall have been paid, the balance of such subscription to be paid at such times and such amounts as the board of directors may require; and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by resolution of the board of directors after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installment, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

And the time in which the work and construction of the road shall begin and be completed is hereby extended so that the work shall be commenced within thirty days and the entire road completed within eighteen months from the passage of this act.

In case of failure, District Commissioners to pave, etc., at company's cost, etc.

Lien.

Repeal of old route.

Proviso.

No overhead electric wires in city limits.

Capital stock.

Subscriptions.

Delinquent stock sales, etc.

Commencement and completion extended.

Dedication, purchase, and condemnation of lands for public highway.

R. S. D. C., secs. 257-267, pp. 29-30.

Provisions.

Cost of purchase, etc.

Interference with public travel, etc.

Original charter reaffirmed, etc.

Amendment, etc.

SEC. 4. That when the property owners shall have dedicated for the purposes of a public highway five-sixths in quantity of the land necessary to open a street of such width as the Commissioners of the District of Columbia may prescribe from Columbia road to Connecticut avenue extended and also to prolong said Connecticut avenue extended from the point of meeting of said street therewith to the boundary of the District of Columbia for the full width of one hundred and thirty feet, if any of the remaining owners of property lying within the path of such street or said avenue extended shall refuse or neglect to dedicate their land or lands for the purposes of said street or said avenue, or to sell and convey the same to the District of Columbia at a price to be agreed upon by and between such owners and the said District, then in that event it shall be the duty of the Commissioners of the District of Columbia, and they are hereby authorized, empowered, and directed, to condemn, in accordance with the provisions of sections two hundred and fifty-seven to two hundred and sixty-seven, both inclusive, of the Revised Statutes of the United States relating to the District of Columbia, the remaining one-sixth of said lands so as aforesaid lying within the path of such street or said avenue extended, or so much thereof as may not have been dedicated or sold, as hereinbefore provided, and to open such street as aforesaid for the width aforesaid, and to open said Connecticut avenue extended for the width of one hundred and thirty feet as a public highway: *Provided*, That the said company shall furnish the money to pay for the purchase or condemnation of said lands and to compensate the owners therefor: *And provided further*, That the track or tracks of said company shall be laid in such portions of such avenues as will least interfere with public travel, the location of the same to be settled by the Commissioners of the District of Columbia.

SEC. 5. That the said company shall continue, subject to all the conditions and limitations of its original charter; and that Congress reserves the right to amend, alter, or repeal the original charter, and this act.

Approved, May 28, 1890.

March 3, 1891. AN ACT To amend the charter of the Rock Creek Railway Company of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the powers and privileges heretofore conferred upon the Rock Creek Railway Company of the District of Columbia by its act of incorporation as amended, the said company shall be, and it hereby is, authorized and empowered to buy, lease, hold, and operate, or otherwise to contract, respecting the railway in the State of Maryland, now constructed or which may here-

after be constructed, by the Chevy Chase Land Company of Montgomery County, Maryland, and which connects, or may connect, with the present line of said Rock Creek Railway Company, and to have respecting such connecting line the same powers and privileges as it now has or hereafter may have respecting its own line of railroad not inconsistent with the laws of Maryland; and, further, that the said Rock Creek Railway Company of the District of Columbia shall be, and it hereby is, authorized and empowered to issue its bonds to aid in paying for the construction and equipment of its railroad, and the purchase and lease, construction, and equipment of any and all future acquisitions and extensions as hereinbefore are, or that may hereafter be, provided for, and to secure the said bonds by mortgage or deed of trust of its rights of way, and all its property of what kind soever, whether real, personal, or mixed, including its franchises as a corporation; and as proof and notice of the legal execution and effectual delivery of any such mortgage or deed of trust, the same shall be filed and recorded in the office of the recorder of deeds for the District of Columbia: *Provided, however*, That the bonds hereby authorized shall at no time exceed in the aggregate amount of their face value one-half of the capital stock of said company actually subscribed and paid in: *And provided further*, That for the purpose of fixing the amount of the capital stock of said company the cost of purchase or lease, construction, or equipment of the acquisition and extension aforesaid shall be deemed as a part of the actual cost of the rights of way, construction, equipment, motive power, and necessary lands and buildings, as provided for by the third section of the act amending the charter of the said company, approved May twenty-eighth, eighteen hundred and ninety; and the time for the completion of said road is hereby extended six months from and after the twentieth of November, eighteen hundred and ninety-one.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

Approved, March 3, 1891.

AN ACT To amend the charter of the Rock Creek Railroad Company.

April 30, 1892.

Stats. 27, p. 23.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rock Creek Railroad Company be, and it is hereby, authorized to extend its road from its present terminus on U street to Florida avenue, thence along Florida avenue to North Capitol street: *Provided*, That it shall run on the same track with the Metropolitan Railroad Company between Ninth and Seventh streets. Said company is authorized to extend a branch road from a point on its line in Cliffburne tract across the Adams Mill road to Kansas street,

May connect with railway of Chevy Chase Land Co.

Bonds.

Capital stock.

Time extended.

Amendment.

Rock Creek Ry. Co.

Extension of tracks.

thence along Kansas street to Ontario avenue, thence along or adjacent to Ontario avenue to the east line of the Zoological Park, on such line as shall be approved by the Commissioners of the District of Columbia. That the extension and branch herein provided for shall be subject, in all respects, to the acts of Congress granting and amending the charter of the Rock Creek Railway Company as fully as if such acts were incorporated herein.

Use of other tracks.

Terms of use.

Width between tracks.

Joint use of tracks.

Completion.

Opening of streets.

Amendment.

SEC. 2. That whenever the route of the foregoing extension coincides with the track occupied by the Metropolitan Railroad Company, both companies shall use the same track upon such fair and equitable terms as may be agreed upon by said companies; and in the event that said companies shall fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, who shall hear and determine summarily the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Whenever more than one of the tracks of said railroad company shall be constructed on any of the streets, avenues, or other public highways in the District of Columbia, the width of space between the two tracks shall not exceed four feet, unless otherwise especially ordered by the Commissioners of the District of Columbia.

SEC. 3. That the Rock Creek Railway Company and the Eckington and Soldiers' Home Railway Company shall have the power to make any contracts or agreements that may be necessary to enable the said companies to run the cars of each or either company over the tracks of the other company, and also to contract for and use the power of each or either company to propel the cars of the other company. The said extension and branch shall be completed within one year and a half from the passage of this act.

SEC. 4. That the streets or avenues opened under the provisions of this act shall conform to the general plans for the extension of the streets and avenues of the District of Columbia, and shall be laid out under the direction of the Commissioners of the District of Columbia.

SEC. 5. That Congress reserves the right at any time to alter, amend, or repeal this act.

Approved, April 30, 1892.

March 1, 1895.
Stats. 28, p. 700.

AN ACT Relative to Rock Creek Railway Company of the District of Columbia.

Rock Creek Ry. authorized to contract with or lease connecting lines.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rock Creek Railway Company of the District of Columbia, being authorized thereto by a vote of the owners of a majority of its capital stock, may contract with any street railway company owning or operating a connecting or intersecting line for the joint management, lease, or pur-

chase of such connecting or intersecting line or lines and operate the same in connection with its original line; and in case of such contract may provide the means necessary by an increase of its capital stock, not to exceed the actual consideration paid or the actual cost of the necessary equipment: *Provided*, That only one fare, not exceeding the rate now authorized by law, shall be charged for a single continuous ride in the District of Columbia over all the lines affected by such contract or any part thereof; and any such company owning connecting or intersecting line is hereby empowered, when authorized by a vote of a majority of its stockholders, to enter into such contract: *Provided further*, That nothing in this Act shall be construed to impair or abridge the right of Congress at any time to regulate the operation of such line or lines, or to release any railway company or companies thus contracting, in whole or in part, from any obligation or restriction imposed by its original charter or by any law of Congress subsequently enacted, except as provided herein; and Congress hereby reserves the right to alter, amend, or repeal this Act. In the event of the said company entering into such contract as is contemplated by this Act, it is hereby authorized, if deemed advisable by its directors, to change its name from the Rock Creek Railway Company of the District of Columbia to that of "The Capital Traction Company."

Fare.

May change name of road under certain conditions.

Approved, March 1, 1895.

Extract from Public No. 124, Approved, July 14, 1892.

CARE OF BRIDGES: For ordinary care of bridges, including keepers, oil, lamps, and matches, five thousand dollars; for construction and repairs of bridges, fourteen thousand dollars; in all, nineteen thousand dollars. That the Washington and Georgetown Railroad Company is hereby required to repair the bridge across Rock Creek at M. street northwest at a cost not exceeding ten thousand dollars, said repairs to be made under the direction of the Engineer Commissioner of the District of Columbia and in accordance with plans and specifications to be prepared by him.

To repair bridge at M street.

AN ACT To amend the charter of the Capital Traction Company of the District of Columbia. June 2, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capital Traction Company be, and the same is hereby, authorized and required, within six months from the passage of this Act, to lay down an underground electric railway, with the necessary switches and turn-outs in the city of Washington, in the District of Columbia, through and along the following streets and avenues, namely: Begin-

Route extended.

Pennsylvania
avenue east ex-
tension.

Plans.

Charter priv-
ileges extended.

ning at the main tracks at the intersection of Pennsylvania avenue and Eighth street southeast, and thence easterly along said Pennsylvania avenue with double tracks to Fifteenth street east; thence by a single-track loop on Pennsylvania avenue, the circle, K, and Fifteenth streets, bounding square numbered one thousand and seventy-eight, and connecting with the double tracks at Pennsylvania avenue and Fifteenth street east; all work to be done in accordance with plans acceptable to and approved by the Commissioners of the District of Columbia.

SEC. 2. That the said Capital Traction Company of the District of Columbia shall have, over and respecting the route hereinbefore provided for, the same rights, powers, and privileges as it now has, or hereafter may have, by law over and respecting its other routes, and be subject in respect thereto to all the other provisions of its charter and law.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 2, 1900.

June 4, 1900. AN ACT Authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company and of the Anacostia and Potomac River Railroad Company of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system and to operate the same over and along the following route, namely: Beginning at the intersection of First and C streets northwest, east on C street to Delaware avenue, and thence by a loop around square six hundred and eighty-six (bounded by Delaware avenue, B, First, and C streets northeast). Also, beginning at the intersection of Pennsylvania avenue and Seventeenth street northwest; south on Seventeenth street by double tracks to G street northwest; west on G street by single track to Twenty-fifth street; north on Twenty-fifth street by single track to Pennsylvania avenue. Also, beginning with the tracks at the corner of Seventeenth and G streets northwest; south on Seventeenth street by single track to F street northwest; west on F street by single track to Twenty-sixth street northwest; north on Twenty-sixth street by single track to Pennsylvania avenue: *Provided*, That for the purpose of furnishing a loop, for use when necessary, a single track may be extended along G street northwest from Twenty-fifth to Twenty-sixth streets, connecting with the single tracks in Twenty-fifth and Twenty-sixth streets northwest.

B. and O. de-
pot extension.

F and G streets
extension.

SEC. 2. That the Anacostia and Potomac River Railroad Company be, and it is hereby, authorized and required, within one year from the date of the approval of this Act, to extend the lines of its underground electric railroad from the intersection of First street east and E street south, north along First street to B street south; thence west along B street, connecting with its existing tracks between Second and Third streets west.

SEC. 3. That where the route provided for in this Act coincides with the routes of existing street railways one set of tracks shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties and to fix the terms of joint trackage.

SEC. 4. That the extensions herein authorized shall be completed and cars operated over the same within one year from the date of the passage of this Act. The double tracks of the Capital Traction Company now in the south side of C street northwest, between First street and New Jersey avenue, shall also be removed within said time, and the space so vacated restored to proper condition in a manner satisfactory to the Commissioners of the District of Columbia.

SEC. 5. That the extensions herein authorized shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia and approved by them.

SEC. 6. That the said Capital Traction Company and the Anacostia and Potomac River Railroad Company shall have, over and respecting the routes herein provided for, the same rights, powers, and privileges they respectively have or hereafter may have by law, over and respecting their other routes, and be subject in respect thereto to all the other provisions of their charters and of law.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 4, 1900.

16400-05-6

COLUMBIA RAILWAY COMPANY.

AN ACT To incorporate the Columbia Railway Company of the District of Columbia. May 24, 1870.
Stats. 16, p. 133.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That^t William Gunton, John C. McKelden, Samuel Fowler, William B. Todd, William H. Clagett, John F. Callan, S. P. Brown, George H. Plant, W. C. Bestor, E. M. Gallaudet, R. C. Fox, Mathew G. Emery, William Stickney, Martin M. Roher, Richard Sutton, David D. Cone, Robert Williams, William P. Copeland, William H. Nalley, G. H. B. White, James T. Pritchard, J. C. Wall, John H. McCutchen, Paulus Thyson, Bernard Hayes, Jacob D. Kitch, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the "Columbia Railway Company," with authority to construct and lay down a single or double track railway, with the necessary switches and turnouts, in the city and county of Washington, in the District of Columbia, through and along the following avenues, streets, and highways: commencing at a point on the eastern side of west Fifteenth street, on New York avenue, thence eastwardly along said avenue to its intersection with north K street; thence along north K street to its intersection with Massachusetts avenue; thence along Massachusetts avenue to its intersection with north H street; and thence along H street to its eastern termination with the Columbia turnpike gate, with the right to run public carriages thereon drawn by horse-power, receiving therefor a rate of fare not exceeding six cents a passenger for any distance on said road. Route.

a M o t i v e
power.
Fare.

SEC. 2. *And be it further enacted,* That should a majority of the stockholders so elect, at any time within two years after the completion of said road (provided for in section one above), the said Company shall have the right to extend said road, either with a single or double track, with the necessary switches and turnouts along the line of the Columbia Turnpike Road Company, with the consent of said Turnpike Road Company, or on any other road or roads leading northwardly or eastwardly from such intersection at the Columbia turnpike gate, now opened, or which may hereafter be opened, by the proper authorities; and thence along said road or roads, by the most practicable route or Road may be
extended.

^a Changed to cable power under authority of Act of Congress, approved March 2, 1889.

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William Gunton, John C. McKelden, Samuel Fowler, William B. Todd, William H. Claggett, John F. Callan, S. P. Brown, George H. Plant, W. C. Bestor, E. M. Gallaudet, R. C. Fox, Mathew G. Emery, William Stickney, Martin M. Roher, Richard Sutton, David D. Cone, Robert Williams, William P. Copeland, William H. Nalley, G. H. B. White, James T. Pritchard, J. C. Wall, John H. McCutchen, Paulus Thyson, Bernard Hayes, Jacob D. Kitch, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the "Columbia Railway Company," with authority to construct and lay down a single or double track railway, with the necessary switches and turnouts, in the city and county of Washington, in the District of Columbia, through and along the following avenues, streets, and highways: commencing at a point on the eastern side of west Fifteenth street, on New York avenue, thence eastwardly along said avenue to its intersection with north K street; thence along north K street to its intersection with Massachusetts avenue; thence along Massachusetts avenue to its intersection with north H street; and thence along H street to its eastern termination with the Columbia turnpike gate, with the right to run public carriages thereon drawn by horse-power, receiving therefor a rate of fare not exceeding six cents a passenger for any distance on said road.^a Columbia Railway Company incorporated.
Route.
a M o t i v e
power.
Fare.

SEC. 2. *And be it further enacted,* That should a majority of the stockholders so elect, at any time within two years after the completion of said road (provided for in section one above), the said Company shall have the right to extend said road, either with a single or double track, with the necessary switches and turnouts along the line of the Columbia Turnpike Road Company, with the consent of said Turnpike Road Company, or on any other road or roads leading northwardly or eastwardly from such intersection at the Columbia turnpike gate, now opened, or which may hereafter be opened, by the proper authorities; and thence along said road or roads, by the most practicable route or Road may be extended.

^a Changed to cable power under authority of Act of Congress, approved March 2, 1889.

routes, to the termini near, at or in the District of Columbia, receiving therefor a rate of fare not exceeding cents a passenger for any distance on said road or roads. The carriages on the extension of said road or roads to be propelled either by horse-power or dummy engines, at the option of the said Railway Company.

SEC. 3. *And be it further enacted*, That the said road or roads shall be deemed real estate, and, together with other real and personal property of said body corporate, shall be liable to taxation as other real estate and personal property, and to license for their vehicles or cars in the city and county aforesaid, except as hereinafter provided.

SEC. 4. *And be it further enacted*, That the said railway shall be laid as near the centre of the avenues and streets in the city of Washington as practicable (without interfering with or passing over the water or gas pipes), in the most approved manner adapted for street railways, with the rails of the most approved pattern, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets or avenues; and the space between the two tracks (where two are laid) shall not be less than four feet nor more than six feet, and the carriages shall not be less than six feet in width; the gauge to correspond with that of the Metropolitan Railroad. That the railways in the county (should it be determined to construct such roads) shall be laid in such manner as will least interfere with the ordinary travel of the road or roads on which the tracks shall be laid.

SEC. 5. *And be it further enacted*, That the said corporation hereby created shall be bound to keep said tracks, and for a space of two feet beyond the outer rail thereof, and also the space between the tracks, so far as the same are laid within the limits of the city of Washington, at all times well paved and in good order, without expense to the United States or the said city. And in case the road shall be extended beyond the limits of said city, [as is heretofore provided,] the said corporation shall be bound to keep said tracks, and for a space of two feet beyond the outer rail thereof, and also the space between the tracks well gravelled or paved and in good order, so as not to impede the general travel on said roads by vehicles or otherwise, without expense to the county of Washington.

SEC. 6. *And be it further enacted*, That nothing in this act shall prevent the Government at any time, at its option, from altering the grade, or otherwise improving all avenues and streets occupied by said road, or the city of Washington from so altering and improving such streets and avenues and the sewerage thereof, as may be under their respective authority and control; and in such event it shall be the duty of said Company to change their said railway so as to conform to such grade and pavement.

SEC. 7. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token or device, scrip or other evidence of debt, to be used as currency.

SEC. 9. *And be it further enacted*, That the capital stock of said Company shall not be less than one hundred thousand dollars, nor more than four hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the By-Laws of said Company may direct.

SEC. 10. *And be it further enacted*, That the said Company shall place first-class cars on said railway, with all the modern improvements, for the convenience and comfort of passengers, and shall run cars thereon during the day and as late as ten o'clock at night, and as often as every fifteen minutes, between west Fifteenth street and the eastern terminus of north H street; and in case the said road shall be extended beyond the city limits, on the entire road, or such portions as may be completed, through the day and night, as often as the public convenience and the interests of the Railway Company may require: *Provided, however*, That the carriages or cars thereon shall not make less than eight trips each way per day during six days in each week.

SEC. 11. *And be it further enacted*, That the said Company shall provide such passenger rooms, ticket offices, stables, and depots at such points as the business of the railroad and the convenience of the public may require. And said Company is hereby authorized to lay such rails through transverse or other streets or roads as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks; and the said Company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above mentioned.

SEC. 12. *And be it further enacted*, That all articles of value that may be inadvertently left in any of the cars or other vehicles of said Company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be opened to the inspection of the public at all reasonable hours of business.

SEC. 13. *And be it further enacted*, That within thirty days after the passage of this act, the corporators named in the first section, or a majority of them, or if any refuse to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said Company to be opened, and kept open, in some convenient and accessible place or places in the city of Washington for a period to be fixed by said corporators, not less than two days; and said corporators shall give public notice, by advertisement in not less than two daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the Company shall be held to be stock-

Issue of currency not authorized.

Capital stock.

Shares, how transferable.

Cars, class and running.

Passenger rooms.

Connecting tracks.

Lands.

Articles left in cars.

Subscription to capital stock.

25 per cent of subscription to be paid at time of subscribing.

holders; *Provided*, That no one individual shall be allowed to subscribe for more than two hundred shares of said stock: *Provided further*, That every subscriber shall pay, at the time of subscribing, twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void. If, at the end of two days, a larger amount than the capital stock of said Company shall have been subscribed, the books shall be closed, and the said corporators named in the first section shall forthwith proceed to apportion said capital stock among the subscribers *pro rata*, and make public proclamation of the number of shares allotted to each, which shall be done and completed on the same day the books are closed: *Provided further*, That nothing shall be received in payment of the twenty-five per centum, at the time of subscribing, except money. And when the books of subscription of the capital stock of said Company shall be closed, the corporators named in the first section, or a majority of them, and, in case any of them refuse or neglect to act, then a majority of the remainder, shall, within ten days thereafter, call the first meeting of the stockholders of said Company, to meet within ten days thereafter, for the choice of seven directors, of which public notice shall be given for five days in not less than two public newspapers published daily in the city of Washington, or by written or printed personal notice to each stockholder by the clerk of the corporation. And in all meetings of stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 14. *And be it further enacted*, That the government and direction of the affairs of the Company shall be vested in a Board of Directors, seven in number, who shall be stockholders, and who shall hold their office for one year and until others are duly elected and qualified to take their places as Directors. And the said Directors (a majority of whom, the President being one, shall constitute a quorum), shall elect one of their number to be President of the Board, who shall also be President of the Company; and they shall also choose a Treasurer, who shall give bonds, with security, to said Company in such sum as the said Directors may require for the faithful discharge of his trust. In case of a vacancy in the Board of Directors by the death, resignation, or otherwise of any Director, the vacancy occasioned thereby shall be filled by the remaining Directors.

SEC. 15. *And be it further enacted*, That the Directors shall have full power to make and prescribe such by-laws, rules and regulations as they shall deem needful and proper respecting the disposition and management of the stock, property, estate and effects of the Company, not contrary to the charter or to the laws of the United States and the ordinances of the city and county of Washington: *Provided*: That the Directors of said corporation shall have the power to require the subscribers to the capital stock to pay the

First meeting of stockholders.

Directors.

Votes and proxies.

Board of directors.

Officers.

Vacancies.

By-laws.

Subscription to stock, when to be called in.

amount by them respectively subscribed at such time (after the first installment), in such manner and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any installments as required by a resolution of the Board of Directors, after reasonable notice of the same, the said Board of Directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installments (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due), under such regulations as may be adopted in the By-Laws of said corporation; or said body corporate may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

SEC. 16. *And be it further enacted*, That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said Company in their By-Laws may prescribe; and said Directors shall annually make a report in writing of their doings to Congress, or to the Secretary of the Interior, and to the stockholders in general meeting.

SEC. 17. *And be it further enacted*, That the Mayor and Council of said city, and the levy court of said county, and the several officers of these corporations, and the said corporations are hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operations of said railway, as herein authorized.

SEC. 18. *And be it further enacted*, That the said Company shall have, at all times, the free and uninterrupted use of the roadway. And if any person or persons shall wilfully and unnecessarily obstruct or impede the passage of, or destroy or injure the cars, depot, stations, or any other property belonging to said Railway Company, the person or persons so offending shall forfeit and pay for each such offence the sum of ten dollars to said Company, to be recovered and disposed of as other fines and penalties in said city and county, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offence shall have been committed.

SEC. 19. *And be it further enacted*, That unless said corporation shall make and complete their said railway between west Fifteenth street and the eastern terminus of north H street within eight months after the Company shall have been fully organized, then this act shall be null and void, and no rights whatsoever shall be acquired under it; and that the remainder of the said road shall be completed (if commenced) to its proposed terminus in the county of Washington within five years.

SEC. 20. *And be it further enacted*, That no person shall be prohibited the right to travel on any part of said road or roads, or ejected from the cars thereof, for any other

Forfeiture.

Annual meeting.

Report.

Construction of railway not to be hindered.

Obstruction of roadway.

Completion.

Exclusion from cars.

cause than that of being drunk, disorderly, unclean, contagiously diseased, refusing to pay the legal fare exacted, or to comply with the general regulations of the Company.

Individual liability of stockholders.

SEC. 21. *And be it further enacted*, That each of the stockholders in the Columbia Railway Company shall be liable individually for all the debts and liabilities of said Company to an amount equal to the amount of stock held by such stockholder.

Reports.

SEC. 22. *And be it further enacted*, That all the provisions of the act incorporating the Washington and Georgetown Railroad Company, requiring reports of expenditures, earnings, and otherwise, shall be applicable to the Company herein incorporated, which shall make reports as in said act required.

Repealing clause.

SEC. 23. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with any of the provisions of this act be, and the same are, for the purposes of this act, hereby repealed, so far as the same are inconsistent herewith.

June 13, 1898. AN ACT To authorize the extension eastwardly of the Columbia Railway.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Columbia Railway Company, incorporated under an Act of Congress approved May twenty-fourth, eighteen hundred and seventy, be, and it is hereby, authorized to extend its lines and to locate, construct, equip, and maintain and operate a single or double track railway, and all necessary depots, stations, sidings, switches, and turn-outs, and to run cars thereon propelled by cable, electric, compressed air, or other mechanical power, except steam locomotives, to be approved by the Commissioners of the District of Columbia, and to carry passengers, parcels, milk, truck, and merchandise over and along the following routes and roads in the District of Columbia, to wit: Beginning at the present eastern terminus of the railway of said company as now laid down and constructed on Benning road; thence along the north side of said road, but outside of the limits thereof, to the western edge or shore line of the Eastern Branch of the Potomac River; thence over the flats of said branch and over said branch by a wooden trestle bridge to the eastern edge or shore of said branch; thence to a point at or near the intersection of said Benning road with the road north of the Baltimore and Potomac Railroad known as the Race Course road; thence along the said Race Course road, but outside its limits, to the Anacostia road; thence along said Anacostia road, but outside its limits, to Watts Creek; thence east across said Anacostia road, and, by proper subway, underneath the tracks of the Baltimore and Potomac and Baltimore and Ohio railroads, to a point at or near the eastern

Extension on Benning road.

Motive power.

Passengers and merchandise.

Route

corner of the District of Columbia, with a branch from the intersection of said Watts Creek and Anacostia road along Anacostia road, but outside its limits, to its intersection with the eastern boundary line of the District of Columbia: *Provided*, That the location of said routes and the plans and specifications for the construction of the said railway lines, depots, and stations shall be subject to the approval of the Commissioners of the District of Columbia, and that the said company shall, whenever the flats of the said Eastern Branch shall be reclaimed, construct in the place and stead of the trestle bridge herein provided for a permanent structure, to be approved by the Commissioners of the District of Columbia: *And provided further*, That overhead trolleys shall not be used on the lines of the said company farther west on said railroad than Fifteenth street northeast. That wherever electric power propulsion is adopted upon the extension herein authorized, or on any other portion of the line of said Columbia Railway Company, no portion of the electrical circuit shall be through the earth, but a return circuit of proper capacity and located similarly to the feed-wire circuit shall be provided for the electrical current, and that whenever the trolley system is used each car shall be provided with a double trolley, and that no earth connection shall be made with any dynamo furnishing power for the road. The said company is hereby authorized to construct a roadbed or causeway on which to lay the tracks of its railway across the flats of said Eastern Branch from the western shore or edge to the channel thereof.

Plans.

Permanent bridge.

No overhead trolley in city limits.

To prevent electrolysis.

Causeway across flats.

Time of completion.

SEC. 2. That the main line hereby authorized to a point at or near the eastern corner of the District of Columbia shall be completed within one year from the date of the approval of this Act, and the branch from said Watts Creek along said Anacostia road shall be completed within two years from the date of the approval of this Act.

Fare.

SEC. 3. That only one fare for a continuous ride over the route described in the company's charter, and over the extensions hereby authorized or any part thereof, shall be charged for each passenger.

SEC. 4. That the said company shall have at all times the free and uninterrupted use of the line and tracks hereby authorized, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense a sum not exceeding one hundred dollars, to be recovered as other fines and penalties are recovered in said District, and all persons so offending shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no

Obstruction to free use of tracks unlawful.

Penalty.

suit shall be brought to enforce such fines and penalties or to recover for any such loss or damage unless commenced within sixty days after the offense shall have been committed.

To acquire
right of way and
land for depots,
etc.

Condemnation
proceedings.

Procedure.

Commissioners
to locate railway
in 30-foot strip.

Dedication of
said strip when
Benning road is
widened.

Bonds.

SEC. 5. That the said company shall have the right to acquire and obtain the right of way over and through the land on which the aforesaid lines and routes may be located, and to acquire and hold land for necessary depots, stations, offices, store and power houses, and workshops; and in the event that said company shall not be able to come to an agreement with the owners of any land through which the said line and routes may be located, or on which it may be necessary to erect depots, stations, offices, store and power houses, or workshops, proceedings for the condemnation for the use of the company of so much land as may be required for right of way, not exceeding thirty feet in width, and for the necessary depots, stations, offices, store and power houses, and workshops may be instituted in the supreme court of the District of Columbia under and in accordance with the provisions of sections two hundred and fifty-seven to two hundred and sixty-seven, both inclusive, of the Revised Statutes of the United States relating to the District of Columbia, being the laws governing the condemnation of lands in said District for public highways: *Provided*, That it shall be the duty of the marshal of the said District, upon the request of said railway company, to summon all necessary jurors and to exercise the powers and authority conferred upon him by said laws: *And provided further*, That the costs and expenses of all such proceedings shall be defrayed by the said railway company. The Commissioners of the District of Columbia are authorized and empowered to locate the lines of the railway of said company within the said area, thirty feet in width, so to be acquired as aforesaid, north of the present northern line of said Benning road. In the event that said Benning road and other roads mentioned in section one shall be widened to a width of ninety or more feet, and further, in the event of any portions of the right of way being included in highways to be opened in future, then, and in such cases, the said company shall convey to the District of Columbia, for the use of the public, the right of way over the said area of thirty feet in width, subject, however, to the right of the said company to use and occupy the same for the operation and maintenance of its said road.

SEC. 6. That the said railway company shall have the right to issue bonds of said company to an amount necessary to cover the cost of locating, constructing, and equipping the said extended lines of railway tracks and the depots, stations, offices, store and power houses, and workshops necessary to the proper operation thereof, and to secure the same by a mortgage or deed of trust covering its corporate franchises and properties, or such portion thereof as may be necessary for that purpose: *Provided, however*, That the total issue of said bonds shall not in the aggregate

gate exceed the actual cost of the construction and equipment hereinbefore authorized; and before any bond or trust deed shall be executed, the amount thereof shall be ascertained and fixed by the Commissioners of the District of Columbia; and for this purpose said Commissioners are hereby authorized to subpoena and examine witnesses and take such testimony as may be necessary to enable them to make such determination and fix the amount of issue: *And provided further*, That an appeal may be taken from the decision of said Commissioners to the supreme court of the District of Columbia. And all bonds issued in excess of the amount authorized by said Commissioners or said court, or in violation of the provisions of this Act, shall be null and void.

Commissioners
to fix amount.

Appeal.

SEC. 7. That the said railway company is authorized and empowered to contract with any railway company owning and operating, or which may hereafter own and operate, any railway connecting or intersecting the extension of the Columbia Railway herein authorized, for the joint use, management, or lease of said extended lines, or either of them, or any part thereof, upon such terms as may be agreed upon between such companies: *Provided*, That steam power shall not be used upon any portion of the route named herein which is or may hereafter be included within the limits of highways, nor west of the present tracks of the Baltimore and Ohio and Baltimore and Potomac railroads: *And provided further*, That nothing herein contained shall be construed to prohibit the Congress from authorizing any other railroad company owning and operating or to own and operate any connecting or intersecting railway to use said extended lines, or either of them, or any part thereof, upon such terms as it may prescribe.

May make con-
tracts with con-
necting or inter-
secting railways
for joint use of
tracks.

Steam power
not to be used.

SEC. 8. That the rights conferred and the duties and obligations imposed upon said company by its charter, or by subsequent legislation, shall be held to extend and apply to the extensions herein provided for: *Provided*, That nothing herein shall be construed to authorize the Columbia Railway to occupy the right of way of any other company.

Charter priv-
ileges extended.

SEC. 9. That Congress reserves to itself the right to alter, amend, or repeal this Act.

Approved, June 13, 1898.

JOINT RESOLUTION Extending the time within which certain street
railroads in the District of Columbia may be constructed. Mar. 1, 1901.

*Resolved by the Senate and House of Representatives of
the United States of America in Congress assembled*, That the time within which the Washington and Gettysburg
Railway Company, of Maryland, is allowed to extend its
lines into and within the District of Columbia be, and the

Washington
and Gettysburg
time extended.

same is hereby, extended for two years from and after the passage of this resolution.

Columbia R.R. SEC. 2. That the time within which the Columbia Railway is authorized to construct an extension of its lines from the intersection of Watts Creek and Anacostia road along the Anacostia road to its intersection with the eastern boundary line of the District of Columbia be, and the same is hereby, extended for two years from the passage of this resolution: *Provided*, That said branch of said railway shall be constructed in or along said Anacostia road in accordance with plans to be approved by the Commissioners of the District of Columbia.

Approved, March 1, 1901.

DISTRICT OF COLUMBIA SUBURBAN RAILWAY COMPANY.

AN ACT To incorporate the District of Columbia Suburban Railway Company. July 5, 1892. Stats. 27, p. 66.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard K. Cralle, Charles E. Creecy, John T. Mitchell, M. F. Morris, J. W. Denver, L. G. Hine, Gilbert Moyers, S. E. Mudd, Robert A. Howard, W. I. Hill, John W. Childress, J. F. Kennedy, D. W. Glaisse, Harry Barton, Philemon W. Chew, T. C. Daniel, G. P. Davis, Jere Johnson and L. C. Loomis, and their associates successors, and assigns, are hereby created a body corporate by the name, style, and title of "The District of Columbia Suburban Railway Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized to construct and lay down a single or double track railway, as may be approved by the Commissioners of the District of Columbia, with the necessary switches, turn outs, and other mechanical devices, in the District of Columbia, through and along the following routes: Beginning at the dividing line between the District of Columbia and the State of Maryland, on the Bladensburg road, and running thence along the said road so that the outer rail of said railway shall not be more than five feet from the eastern boundary of said Bladensburg road, to H. street east; thence west on H. street east to Seventh street east, over the tracks of the Columbia Railroad.

Also beginning at the junction of Philadelphia and Twelfth streets in Brookland and running south along Twelfth street; thence by such line as may be authorized by the Commissioners of the District of Columbia to the intersection of Patterson avenue with the Fairview road; thence along the Fairview, Corcoran and Mt. Olivet roads to Twelfth street extended; thence along Twelfth street extended to the junction of Twelfth street east and Florida avenue.

Also beginning at the junction of Frankfort and Twenty-fourth streets in Langdon; thence along Twenty-fourth street to Cincinnati street; thence along Cincinnati street to and across Chapel road to Lafayette avenue; thence along Lafayette avenue and in line to Capitol street, Ivy

District of Columbia Railway Company incorporated.

Routes.

Bladensburg road.

Brookland.

Langdon.

City; thence along Capitol street to Mt. Olivet road; thence along Mt. Olivet road to Twelfth street extended. Also from the intersection of Florida avenue with Twelfth street northeast, to H street northeast, on Twelfth street; thence west on H street over the tracks of the Columbia road to Seventh street east; thence south on Seventh street by single track to G street east; thence west on G street by single track to First street west; thence by a route to be laid down by the Commissioners of the District of Columbia across New Jersey avenue to the tracks of the Capitol, North O and South Washington Railroad; thence on the tracks of the last-named road on G street to Fourth street, continuing west on G street west to Fifth street; thence south on Fifth street west, in part over the tracks of the Metropolitan Railroad, to Louisiana avenue; thence southwesterly by double track on Louisiana avenue to a point to be located by the Commissioners of the District of Columbia east of Seventh street west. Returning north-easterly on Louisiana avenue to Fifth street west; thence over the tracks of the Metropolitan Railroad along Judiciary Square to Fourth street west; thence north on Fourth street west by single track to E street west; thence east on E street by single track to Eighth street east; thence north by single track on Eighth street to H street; thence east over the tracks of the Columbia railroad to Twelfth street; thence north on Twelfth street to Florida avenue: *Provided*, That all of the routes herein mentioned shall be subject to the approval of the Commissioners of the District of Columbia, and those portions of said road between the District line and Florida avenue shall be fully constructed before the cars of the said District of Columbia Suburban Railroad shall be run over any part of the said route within the limits of the city of Washington; Whenever a permanent system of streets and highways shall have been established and laid out in the suburban portion of the District contiguous to the route of this railroad, said company shall, when required by the Commissioners of the District, cause such changes to be made in the location of its tracks as said Commissioners shall require in order to make the route of said road conform to such streets and highway system. Whenever the route of this road coincides with that of a country road the railway shall be constructed along and outside of such road. Said company shall keep the space between its tracks, and two feet outside of its tracks in such condition as may be required by said Commissioners.

SEC. 2. That said company may run public carriages, propelled by cable, electric, or other mechanical power: *Provided*, That if electric wires or cables be used within the limits of the city of Washington, the wires shall be placed underground, and the power used shall be subject to the approval of the said Commissioners; but nothing in this act shall allow the use of steam power or any motor which shall in its operation cause any noise or other disturbance which in the judgment of said Commissioners

In Washington.

Approval of routes by Commissioners.

Changes.

Country roads.

Motive power.

Wires to be underground in city.

shall be inimical to the public safety or comfort: *Provided further*, That for the purpose of making a continuous connection the said company shall have the right to cross all streets, avenues, and highways necessary for this purpose: *Provided*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street railway company in the District of Columbia the tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such tracks in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines; that said corporation is authorized and empowered to propel its cars over the line of any other road or roads, which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be determined summarily upon the application of either road to any court in said District having competent jurisdiction. Whenever more than one of the tracks of said railway shall be constructed on any of the public highways in the District, the width of space between the tracks shall not exceed four feet, unless otherwise ordered by the Commissioners of the District of Columbia.

SEC. 3. That said company shall receive a rate of fare not exceeding five cents per passenger for any distance on its route within the District of Columbia, and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the District limits six tickets shall be sold for twenty-five cents.

SEC. 4. That said company shall, on or before the fifteenth of January of each year, make a report to Congress,

Crossings.

Coinciding tracks.

Terms of use.

Repair.

Fare.

Tickets.

Annual report.

through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the bonded and other indebtedness and the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by affidavit of the president and secretary of said company and if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings, which amount shall be payable to the collector of taxes at the time and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said four per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

Taxes.

Construction.

SEC. 5. That the said railway shall be constructed of good materials and in a substantial and durable manner, with the rails of the most approved pattern, to be approved by the Commissioners of the said District, laid upon an even surface with the pavement of the street, and the gauge to correspond with that of other city railways.

Paving.

SEC. 6. That the said corporation hereby created shall be bound to keep said tracks, and for the space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times in as good order as the streets and highways through which it passes subject to the approval of the said Commissioners, without expense to the United States or to the District of Columbia.

Grade of street may be changed.

SEC. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade or otherwise improving all avenues and streets and highways occupied by said road, or from so altering and improving such streets and avenues and highways, and the sewerage thereof, as may be under its authority and control; and in such event it shall be the duty of said company to change its said railroad so as to conform to such grade as may have been thus established.

Construction.

SEC. 8. That it shall be lawful for said corporation, its successors or assigns, to make all needful and convenient

trenches and excavations in any of said streets, or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid, subject to the approval of the said Commissioners. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground construction shall be borne by the said railway company: *Provided*, That wherever the railroad shall be built along any road, the space between the inner rail of said railroad and the roadway shall be graded and put in good order for public use at the expense of the company and subject to the approval of the Commissioners of the District of Columbia: *Provided also*, That the construction of said railroad on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street; and no steam cars, locomotives, or passenger or other cars for steam railroads shall ever be run on the tracks of said company over any such main, fixture, or apparatus. The said railroad shall be subject to the requirements of section fifteen of the act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An act to incorporate the Washington and Arlington Railway Company of the District of Columbia." The said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company, or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may deem necessary, any of the work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus, and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an ac-

Space between inner rail and roadway.

Water mains, etc.

Deposit for changing pipes.

count of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War. The exercise of the rights by this act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company, or by its successors, to make the deposits, or to comply with any of the conditions, requirements, and regulations aforesaid.

Engine houses,
etc.

SEC. 9. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of a cable-motor, electric, pneumatic, or other railroad.

Speed.

SEC. 10. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, at a rate of speed exceeding that which may be fixed from time to time by the said Commissioners, and for each violation of this provision said grantees, their successors or assigns, as the case may be, shall be subject to a penalty of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the said District.

Commencement
and completion.

SEC. 11. That the line of said railway company shall be commenced within six months and completed within two years from the passage of this act, otherwise this act shall be of no effect.

Capital stock.

SEC. 12. That said company is hereby authorized to issue its capital stock to an amount not to exceed two hundred and fifty thousand dollars in shares of one hundred dollars each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed by them as follows, namely: Ten per centum at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; excepting that fifty per centum shall be paid in within twelve months, and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said instalments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable or said

corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company and for the receiving subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay at the time of subscribing ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money or certified checks from any established national bank. And when the books of subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy: *Provided*, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered, and any such consolidation shall of itself operate as a forfeiture of this charter. Nor shall the charter or franchise herein granted be sold or transferred to any company or person until the road shall have been fully constructed.

SEC. 14. That the said company shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require; the time table or schedule of time to be approved by the said Commissioners of the District of Columbia.

SEC. 15. That the company may buy, lease, or construct such passenger rooms, ticket offices, workshops, depots, lands, and buildings as may be necessary, at such points on its line as may be approved by the said Commissioners.

SEC. 16. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Meetings to receive subscriptions.

Ten per cent shall be paid at time of subscribing.

First meeting of stockholders.

Consolidation with other roads forbidden.

Sale.

Cars.

Schedule.

Passenger rooms, etc.

Articles left in cars.

Board of directors. SEC. 17. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and treasurer, who shall give bond with surety to said company in such sum as the said directors may require for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

Officers.

Vacancies.

By-laws.

SEC. 18. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

Annual meeting. SEC. 19. That there shall be at least an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

Report.

Obstruction of roadway.

SEC. 20. That the said company shall have at all times the free and uninterrupted use of its roadway, and if any person or persons shall willfully, mischievously and unnecessarily obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway or depots, stations, or other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars to said company, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Crossings.

SEC. 21. That the said District of Columbia Suburban Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways in a manner to be approved by the Commissioners of the District: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

SEC. 22. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company. Exclusion from cars.

SEC. 23. That this act may at any time be altered, amended, or repealed by the Congress of the United States. Amendment, etc.

SEC. 24. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding one hundred feet in width, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes. Land required.

Approved, July 5, 1892.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY. June 18, 1898.

AN ACT To incorporate the East Washington Heights Traction Railroad Company in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; That James G. Berret, Archibald M. Bliss, George S. Boutwell, William Corcoran Hill, Brainard H. Warner, John A. Baker, Samuel Cross, T. E. Roessle, William H. Rapley, John T. Devine, Chester A. Snow, Charles T. Havenner, Charles A. Barker, Henry P. Blair, Charles L. Du Bois, W. N. Morrison, Appleton P. Clark, junior, Henry Brock, C. C. Lancaster, George H. Judd, D. C. Fountain, Thomas E. Young, Phillips Clark, Thomas J. Brown, R. F. Bradbury, Henry Naylor, all of Washington, District of Columbia; Albert W. Fletcher, Chauncey Marshall, William B. Duncan, junior, Edward C. Potter, Jacob J. Leeds, Edward H. Clark, J. P. Livingston, of New York City; Erwin C. Carpenter, James S. Dyett, of Rome, New York; Arthur Mahoney, of Brooklyn, New York; Philemon L. Hoadley, of Newark, New Jersey, and their associates and assigns, be, and they are hereby, created a body corporate under the name of the East Washington Heights Traction Railroad Company of the District of Columbia, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal; and said corporation is hereby authorized to construct and lay down a single or double track street railway, with the necessary switches, turn-outs, and other mechanical devices, in the District of Columbia, through and along the following routes: Corporators.

Route.

Beginning at the circle at the western approach to the Pennsylvania Avenue Bridge, at a point to be fixed by the Commissioners of the District of Columbia: *Provided*, That this terminus be constructed in accordance with plans to be approved by the Commissioners of the District of Columbia, with a loop or passenger station, or both, as may be considered by them necessary for the interests and convenience of the public; thence across the Anacostia or Eastern Branch of the Potomac River, on a bridge or trestle to be built by the said company in accordance with plans to be approved by the Secretary of War; thence along Pennsylvania avenue extended to Branch avenue; thence along Branch avenue to the Bowen road or Albany street; thence along the Bowen road or Albany street to the settlement known as Good Hope; also from the intersection of Branch avenue and the Bowen road to the District line, by a route to be approved by the Commissioners of the District of Columbia; also from the intersection of Minnesota avenue with Pennsylvania avenue extended along Minnesota avenue to Harrison street; also from the intersection of Pennsylvania avenue extended and Twenty-eighth street northward to the Anacostia road; thence along said Anacostia road to a point to be fixed by the Commissioners of the District of Columbia opposite the settlement known as East Washington Park.

Route along country road.

SEC. 2. That when the route described coincides with that of a country road of less width than sixty-six feet the railway shall be constructed entirely outside the road: *Provided*, That if at any time in the future any part of the right of way of the company shall be included within the lines of public highways, such part of said right of way shall be dedicated to the public without expense to the District of Columbia.

Dedication.

Appliances.

SEC. 3. That the said railway shall be constructed in a substantial and durable manner, and all rails, electrical and mechanical appliances, conduits, stations, and so forth, shall be approved by the Commissioners of the District of Columbia.

Paving adjacent to tracks.

SEC. 4. That the said corporation shall at all times keep the space between its tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct; and whenever any street occupied by said railway is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the corporation fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia and the amounts due from said corporation shall be collected as provided by section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

SEC. 5. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway or from altering and improving streets, avenues, and highways and the sewerage thereof. In such event it shall be the duty of said company at once to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

Change of grades.

SEC. 6. That it shall be lawful for said railway company, its successors or assigns, having first obtained the permission of the District Commissioners therefor, to make all needful and convenient trenches and excavations in any of said streets or places where said railway company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means herein provided, but shall forthwith restore the street to like good condition as it was before. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind, then the expense necessary to change such underground constructions shall be borne by the said railway company.

Excavations.

Underground work.

SEC. 7. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, on private grounds, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of the said railroad.

Engine houses, etc.

SEC. 8. That the line of the said railroad shall be commenced within one year and completed within two years from date of the passage of this Act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this Act shall immediately cease and determine: *Provided*, That failure to commence to construct or to complete either of the said portions of the routes as provided for in section one of this Act shall operate to repeal the authority to build said portion or portions, and shall not repeal the charter of said company: *Provided, however*, That the said railroad shall be commenced and completed within the time aforesaid from the circle at the western approach to the Pennsylvania Avenue Bridge to the District line as hereinbefore provided.

Time of completion.

Failure.

SEC. 9. That the said company may run its cars by the overhead-trolley electric system, or such other electric or mechanical system as the Commissioners of the District of Columbia may approve. Steam power shall not be used: *Provided*, That if electric power by trolley be used a return wire similar in capacity and insulation to the feed wire shall be provided, and each car shall be provided with a

Overhead-trolley.

No steam power.

double trolley, and no pole of any dynamo furnishing power to the railway shall be connected with the earth: *Provided further*, That for the purpose of making a continuous connection over the route hereinbefore described the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route: *Provided further*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street railway company in the District of Columbia the tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which, and the regulations under which, the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided further*, That this shall not apply to or interfere with any station already established on any existing lines. That said corporation is authorized and empowered to propel its cars over the lines of any other road or roads which may be in alignment with, and upon such streets as may be covered by, the route or routes as prescribed in this Act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be summarily determined upon the application of either road to any court in said District having competent jurisdiction.

Passenger
houses.

Cars.

Time-table.

Commissioners
to regulate
speed, etc.

SEC. 10. That the said company shall furnish and maintain passenger houses, provided with such conveniences for the public as required by the Commissioners of the District of Columbia, and shall use first-class cars on said railway, with all modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, in accordance with a time-table, to be subject to the approval of the Commissioners of the District of Columbia.

SEC. 11. That the Commissioners of the District of Columbia may make such regulations as to the speed, mode of use of tracks, and the removal of ice and snow as in

their judgment the interest and the convenience of the public may require. Should the servants or the agents of said company willfully or negligently violate such an ordinance or regulation, said company shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

Penalty.

SEC. 12. That within thirty days after the passage of this Act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company and for the receiving of subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay at the time of subscribing ten per centum in cash of the amount by him subscribed to the treasurer appointed by the corporation, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money or certified checks from any established national bank. And when the books of the subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days after, call the first meeting of the stockholders of the said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Organization.

SEC. 13. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall be a quorum, shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and a treasurer, who shall give bond with surety to said company, in such sums as the said directors may require, for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise of any director the vacancy occasioned thereby shall be filled by the remaining directors.

Directors.

Officers.

SEC. 14. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company not contrary to the charter or to the

By-laws.

laws of the United States and the ordinances of the District of Columbia.

Annual meet- SEC. 15. That there shall be at least an annual meeting
ing. of the stockholders for choice of directors, to be holden at such time in the District of Columbia, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

Capital stock. SEC. 16. That said company is hereby authorized to issue its capital stock to an amount not to exceed the estimated cost of the construction and equipment of the road, in shares of fifty dollars each, and to issue bonds not to exceed the cost of construction of the road, but such stock and bonds shall not exceed in the aggregate more than the actual cost of the right of way, construction, and equipment of said road. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed by them, as follows, namely: Ten per centum at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of the said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction: *Provided*, That no certificates of stock shall be issued until the same has been paid for in money at its face value.

Lost articles. SEC. 17. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Franchise tax. SEC. 18. That the East Washington Heights Traction Company shall annually pay to the District of Columbia a franchise tax of five-eighths of one per centum of the entire gross earnings of such company, and a personal tax of two per centum per annum on the entire gross earnings of said company. There shall also be levied and collected upon all of the real estate of said company a tax in the same manner and to the same extent as upon all other real

Real estate.

estate in the District of Columbia; said taxes shall be due and payable, subject to the same penalties on arrears, and collectible in the same manner as other taxes in the District of Columbia.

SEC. 19. That said company shall receive a rate of fare not exceeding five cents per passenger; but six tickets shall be sold for twenty-five cents: *Provided*, That the said company and the Capital Traction Company are hereby required to issue free transfers, whereby a passenger on the said East Washington Heights Traction Company shall be entitled to a continuous ride over the line of the other company, or vice versa.

SEC. 20. That the said company shall have at all times the free and uninterrupted use of the roadway, subject to the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 21. That the East Washington Heights Traction Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this Act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

SEC. 22. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars by the company's employees, for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

SEC. 23. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located or pass, or which may be needed for terminal facilities and passenger stations, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding twenty feet in width for a right of way, and such tracts as may be necessary for terminal facilities and passenger stations, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may

prescribe for such purposes: *Provided*, That any property owner shall have the right of trial by jury in such issue.

Plans. SEC. 24. That all plans of location and construction of tracks and other structures in public places pertaining to said railway shall be subject to the approval of the Commissioners of the District of Columbia, and all work thereof shall at all times be subject to their supervision. The said company shall, from time to time, deposit with the collector of taxes of the District of Columbia such amounts as may be deemed necessary by said Commissioners to cover the costs of inspection, supervision, changes to water pipes and sewer connections, changes of curb and pavement, and work not otherwise provided for, which may be made necessary by the location or grade of said railway. Any unexpended balance remaining after the construction of said road shall be returned to said company with an account in full of the disbursement of such deposits.

Successors. SEC. 25. That all the conditions, requirements, and obligations imposed by the terms of this Act upon the East Washington Heights Traction Company shall be complied with by any and all the successors to and assigns of said company.

Deposit to guarantee construction. SEC. 26. That within sixty days from the approval of this Act the company shall deposit one thousand dollars with the collector of taxes of the District of Columbia to guarantee the construction of its railway within the prescribed time. If this sum is not so deposited this charter shall be void. If the sum is so deposited and the road is not in operation as herein prescribed, said one thousand dollars shall be forfeited to the District of Columbia and this charter shall be void.

Penalty clause. SEC. 27. That failure or neglect to comply with any of the provisions of this Act, except as hereinbefore provided for, shall render the said corporation liable to a fine of twenty-five dollars for each and every day during which such failure or neglect shall continue, which penalty may be recovered in the name of the District of Columbia by the Commissioners of the said District in any court of competent jurisdiction: *Provided, however*, That unless the line of the said railway shall be completed, with cars running regularly thereon for the accommodation of passengers, within two years from the date of the passage of this Act, this charter shall be null and void.

Forfeiture charter. SEC. 28. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 18, 1898.

April 30, 1900. AN ACT To amend the charter of the East Washington Heights Traction Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the East Washington Heights Traction Rail-

road Company, of the District of Columbia, be, and the same is hereby, amended so as to authorize and permit the said company to lay down its tracks and operate its cars from its present authorized terminus at the western approach to the Pennsylvania Avenue Bridge, as provided in section one of the Act of incorporation; thence north on Seventeenth street east to East Capitol street; thence west on East Capitol street to Fifteenth street east, connecting with the Metropolitan Railway; also from the intersection of Minnesota avenue and Harrison street thence westerly on Harrison street to Pierce street; thence southerly on Pierce street to Jackson street; thence westerly along Jackson street to Monroe street; also northward on Minnesota avenue as laid down on the highway-extension plans, to connect with the Columbia Railway at Benning, over a route and at a point acceptable to and approved by the Commissioners of the District of Columbia.

Routes extended into city.

To connect with Metropolitan Railway.

To connect with Columbia Railway at Benning.

SEC. 2. That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same is hereby, extended for the term of two years from the eighteenth day of June, nineteen hundred: *Provided*, That if within two years from the date of the passage of this Act the Washington and Marlboro Railroad Company shall build its lines into and within the District of Columbia, then said company shall have the right to use such of the routes in this Act provided for as may coincide with the route provided for in the charter of the said Washington and Marlboro Railroad Company.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, April 30, 1900.

AN ACT To extend the time for the construction of the East Washington Heights Traction Railroad Company. July 1, 1902.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same is hereby, extended for the term of twelve months from the eighteenth day of June, nineteen hundred and two: *Provided*, That the said railroad company is authorized and empowered to extend its lines by single track across the Pennsylvania avenue bridge to connect with the eastern terminus of the Capital Traction Company, under such conditions as the Commissioners of the District of Columbia may prescribe, the plans and specifications to be approved by and the construction to be under the supervision of the Commissioners of the District of Columbia, and the said railway company shall bear one-half of the cost of maintenance and repair.

Time extended.

Authority given to cross Pennsylvania Avenue Bridge.

To bear one-half cost of maintenance and repair.

of said bridge in like manner and under the same conditions as are now provided by law as to bridges across Rock Creek occupied by the tracks of street railways.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, July 1, 1902.

April 26, 1904. AN ACT To extend the time for completion of the East Washington Heights Traction Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same hereby is, extended for the term of eighteen months from the passage of this Act: *Provided*, That failure to complete any portion of the routes as provided in the charter of said company within the time herein limited shall operate to repeal the authority to build such portion and shall not repeal the charter of said company; and that any connecting company may lease or purchase the portion of said routes which is completed within the said eighteen months.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, April 26, 1904.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

AN ACT To incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia. June 19, 1888. Stats. 25, p. 190.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Edward F. Beale, Edward C. Dean, A. L. Barbour, George Truesdell, James L. Barbour, George E. Moore, Charles C. Duncanson, Michael Connor, and Joseph Paul, of the District of Columbia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate under the name of the Eckington and Soldier's Home Railway Company of the District of Columbia, with authority to construct and lay down a single or double-track railway, with the necessary switches, turn-outs, and other mechanical devices and sewer connections necessary to operate the same by horse, cable, or electric power, in the District of Columbia through and along the following avenues, streets, and highways: Commencing on New York avenue at its intersection with Seventh street, northwest, thence eastwardly along said avenue to its intersection with Third street, northeast, thence along Third street north to T street, thence east to fourth street with the privilege of extending the same northwardly along Fourth street to the Bunker Hill road within one year after said Fourth street shall have been opened and graded: *Provided*, That in order to avoid crossing the Baltimore and Ohio Railroad, the District Commissioners may, if they deem it necessary, require said company to acquire by purchase the right of way along the west side of said railroad from New York avenue to Third street east; also a branch commencing at the intersection of New York avenue with First street, west; and thence north along First street, to the south line of the grounds of the Soldiers' Home; also with the privilege of extending said main line along New York avenue to Ivy City, within one year after said avenue is opened and graded to Ivy City, with the right to run public carriages thereon propelled by horse, electric, or cable power. Said company shall receive a rate of fare not exceeding five cents per passenger for any distance between the termini of said main railway or between the termini of its branch railway, or between either terminus of said main railway and the terminus of said branch railway, but shall sell six tickets for twenty five cents.

SEC. 2. That said railway company shall, on or before the fifteenth of January of each year, make a report to Congress of the names of all the stockholders therein and the

Eckington and Soldiers' Home Railway Co., incorporated (amended).

Motive power (amended).

Route (amended).

Branches.

Fare.

Annual report.

Taxes.

amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by affidavit of the president and secretary of said company and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the Commissioners to cause to be instituted judicial proceedings to forfeit this charter; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year four per centum of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property, used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

Tracks.

SEC. 3. That the said railway shall be laid in the center of the avenue and streets as near as may be, to be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the Commissioners of the District, laid upon an even surface with the pavement of the street and in such manner as to interfere with the ordinary travel as little as practicable; and the gauge to correspond with that of other city railroads.

Paving.

SEC. 4. That the said corporation shall, at its own expense, keep said tracks within the city limits, and for the space of two feet beyond the outer rails thereof, and also the space between the rails and tracks, at all times well paved and in good repair, to be approved by the Commissioners of the District; and beyond the limits of said city shall keep its tracks, and for the space of two feet beyond the outer rails thereof, and also the space between the rails and tracks, well graded or paved, and in good repair, so as to impede the general travel as little as possible.

Changes of grade.

SEC. 5. In the event of a change of grade at any time of any of the streets, avenues, or roads occupied by the track of this corporation, it shall be the duty of said company, at its own expense, to change its said railroad so as to conform to such grade as may have been thus established.

Construction.

SEC. 6. That it shall be lawful for said corporation, its successors or assigns, with the approval of the Commissioners of the District of Columbia, to make all needful and convenient trenches and excavations and sewer connections in any of said streets or places where said corporation may have the right to construct and operate its road, and place

in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the Commissioners of the District. It shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the Commissioners of the District, an engine-house or houses, boiler-house or houses, and all other buildings necessary for the successful operations of an electric or cable motor railroad.

Speed.

SEC. 7. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, within the city limits, at a rate of speed exceeding ten miles per hour; and without the city limits, at a rate of speed exceeding fifteen miles per hour; and for each violation of this provision said grantees, their successors or assigns, as the case may be, shall be subject to a penalty of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

Commencement and completion.

SEC. 8. That the main line of said railway shall be commenced within three months, and completed within twelve months from the passage of this act; and the branch of the same shall be completed within two years from the time First and Fourth streets and New York Avenue shall be respectively graded; and if the said work on the main line shall not be so commenced and completed, then the privileges and powers herein granted shall be void.

Capital stock.

SEC. 9. That the capital stock of said company shall not exceed, if horse power is to be used for the main line, sixty thousand dollars, which may be increased when work is commenced on the First street branch forty-five thousand dollars, and on the Ivy City branch thirty-two thousand dollars, and on the Fourth street extension forty thousand dollars. If electric power is to be used, the capital stock for the main line shall not exceed one hundred and two thousand dollars, which may be increased when work is commenced on the First street branch eighty-four thousand dollars, and Ivy City branch sixty thousand dollars, and on the Fourth street extension seventy-five thousand dollars. If propelled by cable the capital stock for the main line shall not exceed two hundred and four thousand dollars, which may be increased when work is commenced on the First street branch one hundred and sixty-eight thousand dollars, and on the Ivy City branch one hundred and twenty thousand dollars; and on the Fourth street extension, one hundred and fifty thousand dollars; and that the stock shall be divided into shares of fifty dollars each, transferable in such manner as the by-laws of said company may direct, and said company shall

require the subscribers to the capitol stock to pay in cash the amount by them respectively subscribed, at such times (after the first installment) and in such amounts as the board of directors may deem proper and necessary in the construction of said road; and if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment (and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder), and the sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

Cars.

SEC. 10. That the company shall place cars of best construction on said railways, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a time table or schedule adopted by the company, a copy of which shall be filed with the Commissioners of the District of Columbia, and to be approved by them.

Passenger rooms, shops, etc.

SEC. 11. That the company shall buy, lease, or construct such passenger-rooms, ticket-offices, work-shops, depots, lands, and buildings as they may deem necessary, at such points on its line as may be approved by the Commissioners of the District.

Articles left in cars.

SEC. 12. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public, and if said property remain unclaimed for one year the company shall sell the same after five days notice.

Organization.

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than five days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice, by advertisement in at least two daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be the stockholders: *Provided,*

That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further,* That nothing shall be received in payment of the ten per centum, at the time of subscribing, except lawful money or certified checks from any national bank. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Subscription to capital stock.

Directors.

SEC. 14. That the government and direction of the affairs of the company shall be vested in a board of nine directors who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the said directors, a majority of whom shall be a quorum, shall elect one of their number president of the board, who shall also be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, the latter of whom shall give bond, with good and sufficient surety to said company, in such sum as the said directors may require for the faithful discharge of his trust. In case of a vacancy in the board of directors by death, resignation, or otherwise, the vacancy so occasioned shall be filled by the remaining directors.

By-laws, etc.

SEC. 15. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company and the management of its business, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

Annual meeting.

SEC. 16. That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe, and said directors shall annually make a report in writing of their doings to the stockholders.

Free use of roadway.

SEC. 17. That said company shall have at all times the free and uninterrupted use of its roadway; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives

while in transit, or destroy or injure the cars of said railway, or depots, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall also be liable to said company, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid, but unless suit shall be brought within sixty days the action shall be barred.

Crossing.

SEC. 18. That the said Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not unnecessarily interrupt the travel of such other railways in such construction.

Exclusion from cars.

SEC. 19. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars by the company's employees, for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare, exacted, or to comply with the lawful regulations of the company. The corporations herein named, or the corporation hereby created, shall not sell or assign any of the rights hereby conferred relating to the line of said road until after the main road hereby authorized shall have been constructed as herein provided, and then only after having obtained the written consent of the stockholders representing two-thirds in value of the capital stock.

Amendment.

SEC. 20. That Congress reserves the right to alter, amend, or repeal this act at any time.

Approved, June 19, 1888.

April 30, 1890.
Stats. 26, p. 77.

AN ACT To amend the charter of the Eckington and Soldiers' Home Railway Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Eckington and Soldiers' Home Railway Company of the District of Columbia is hereby authorized to extend its tracks and to run its cars thereon through and along the following-named streets: Beginning at the intersection of New York avenue and Fifth street northwest, south along Fifth street northwest to G street northwest, and thence west along G street northwest to the east line of Fifteenth street northwest; and also beginning at the present terminus of its Cemetery Branch on the east side of Lincoln avenue, and thence northerly along Lincoln avenue to a point opposite the entrance to Glenwood Cemetery, and also beginning at the intersection of New York avenue and North Capitol street; thence north along said street to the south boundaries of the grounds of the Soldiers' Home:

Eckington and
Soldiers' Home
Railway Com-
pany, District of
Columbia.
Amendments
to charter.
Extension of
tracks.

Provided, That if electric wires or cables are used to propel its cars over said streets from New York avenue and Fifth to Fifteenth street northwest, the same shall be placed underground: *And provided further*, That the said company shall not be permitted to stop its cars at its western terminus, or at any point within the city limits, for a longer time than is necessary to take on and let off its passengers. Said company shall charge not exceeding five cents fare for one continuous ride from any point on its line to the terminus of its main line or any of its branches. And said company is authorized to use overhead wires on its North Capitol Street Branch.

Proviso.
Underground
wires or cables.

Stoppages.

Fare.

North Capitol
street route;
overhead wires.

SEC. 2. That so much of the original charter of the Eckington and Soldiers' Home Railway Company, granted by act approved June nineteenth, eighteen hundred and eighty-eight, as authorized the construction of a branch on First street west, from New York avenue to the south boundary of the Soldiers' Home be, and the same is hereby, repealed.

First street
route abolished.

SEC. 3. That said company is authorized to increase its capital stock one hundred and seventy-five thousand dollars for the purpose of enabling it to extend and equip its line as provided in this act.

Capital stock
increased.

SEC. 4. That unless said extensions are commenced within three months and the cars run thereon within one year from the passage of this act the authority herein granted shall be void: *Provided*, That said company shall have one year to complete the North Capitol Street Branch after said street is opened and graded.

Commence-
ment and com-
pletion.

Proviso.
North Capitol
street route.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this act.

Amendment,
etc.

SEC. 6. That this act shall be considered as an amendment to the act of June nineteenth, eighteen hundred and eighty-eight, granting a charter to the Eckington and Soldiers' Home Railroad, and shall be construed as being subject to all limitations and conditions of said original act except as specifically provided otherwise herein. That the authority of said company by this act or any other act conferred to erect or use overhead wires in its operations within the city of Washington shall absolutely cease and determine on the first day of July, anno Domini eighteen hundred and ninety-three.

Judicial con-
struction.

Use of over-
head wires to
cease (time ex-
tended 2 years).

Approved, April 30, 1890.

AN ACT To amend the charter of the Rock Creek Railroad Company. April 30, 1892.
Stats. 27, p. 23.

SEC. 3. That the Rock Creek Railway Company and the Eckington and Soldiers' Home Railway Company shall have the power to make any contracts or agreements that may be necessary to enable the said companies to run the cars of each or either company over the tracks of the other

Eckington and
Soldiers' Home
Ry. Co.
Joint use of
tracks and power
with Rock Creek
Railroad Co.

company, and also to contract for and use the power of each or either company to propel the cars of the other company.

* * * * *

Approved, April 30, 1892.

July 5, 1892.
Stats. 27, p. 66.

AN ACT To amend the charter of the Eckington and Soldiers' Home Railroad Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the Eckington and Soldiers' Home Railroad Company be, and the same is hereby, amended so as to authorize said company to lay its tracks and to run its cars thereon through and along the following named streets and avenues: Beginning at the intersection of Fifth and G streets northwest, east along G street to New Jersey avenue and First street; thence south along First street northwest to C street northwest; thence east along C street to New Jersey avenue; thence south along New Jersey avenue to a point in the center of said avenue at a distance of not less than one hundred and fifty feet from the north curb line of B street north. Returning north along New Jersey avenue to D street; thence west on D street to First street northwest; thence north on First street to G street, and along G street to Fifth street northwest; also, beginning at the intersection of G street and New Jersey avenue; thence across New Jersey avenue to and along G street to North Capitol street; thence north along North Capitol street to New York avenue, connecting with its main line and North Capitol street branch; also beginning at the intersection of Fifth and G streets northwest; thence south on Fifth street to Louisiana avenue; thence southwesterly on Louisiana avenue to a point to be located by the Commissioners of the District of Columbia, east of Seventh street northwest, and returning by the same route to the said point of beginning; also beginning at the intersection of New Jersey avenue and C street northwest; thence east on C street to Stanton square; thence around Stanton square, on the south side thereof, to C street northeast and along C street to Fifteenth street northeast; thence north on Fifteenth street to D street northeast; thence west on D street to Fourth street; thence south on Fourth street to and along C street to New Jersey avenue and the point of beginning: *Provided*, That until C and D streets shall be paved and provided with sewers to Fifteenth street the company shall not be required to construct its road beyond Twelfth street; also beginning at the present terminus of the Eckington and Soldiers' Home road on Fourth street extended, thence along and wholly outside of the present Bunker Hill road, on land to be acquired by said company by gift or purchase and made a part of said road, to a point to be located by the Commissioners of the District of*

Eckington and
Soldiers' Home
R. R. Co.
Extension of
tracks.

Tracks in C and
D streets NE.

Bunker Hill
road.

Columbia west of Brooks station: *Provided*, That nothing contained in this act shall be taken to require the extension provided for in this clause before said road shall have been widened as herein provided for: *Provided further*, That the tracks of said company on Lincoln avenue shall be taken up within thirty days from the passage of this act, and the roadway shall be restored to public uses in such manner as the Commissioners of the District of Columbia shall direct: *Provided*, That horse power shall not be used on said line for traction purposes, and that if electric wires or cables are used to propel its cars over any of the routes hereby authorized within the limits of the city of Washington the same shall be placed underground.

Removal of
tracks from Lin-
coln avenue.

Motive power.
(Horse-power
provision re-
pealed.)

Wherever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly incorporated street railway company in the District of Columbia, both companies shall use the same tracks upon such fair and equitable terms as may be agreed upon by said companies; and in the event said companies shall fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall hear and determine summarily the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said company shall charge not exceeding five cents fare for one continuous ride from any point on its lines to the terminus of its main line or any of its branches: *Provided*, That the construction of said railroad on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street and no steam cars, locomotives, or passenger or other cars for steam railroads shall ever be run on the tracks of said company over any such main, fixture, or apparatus. The said railroad shall be subject to the requirements of section fifteen of the act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An act to incorporate the Washington and Arlington Railway Company of the District of Columbia." The said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company, or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may deem necessary, any of the work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of said mains,

Coinciding
routes.

Water mains,
etc.

Deposit.

fixtures, or apparatus, and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sums shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of their disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. The exercise of the rights by this act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company, or by its successors, to make the deposits, or to comply with any of the conditions, requirements, and regulations aforesaid.

Increase of stock. SEC. 2. That said company is authorized to increase its capital stock three hundred thousand dollars for the purpose of enabling it to extend and equip its line as provided in this act, and to redeem bonds issued to take care of present indebtedness incurred in building and equipping the road already constructed, and no additional bonds shall be issued by said company without special authority of Congress.

Commencement and completion (time extended). SEC. 3. That unless said extensions are commenced within three months and the cars run thereon within one year from the passage of this act, except as otherwise expressly provided for, the authority hereby granted shall be void: *Provided*, That said railroad shall be constructed on such grade and in such manner as shall be approved by the Commissioners of the District of Columbia.

Amendment. SEC. 4. That Congress reserves the right to alter, amend, or repeal this act.

Approved, July 5, 1892.

Feb. 13, 1893. AN ACT To amend the charter of the Eckington and Soldier's Home Railway Company of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to amend the charter of the Eckington and Soldier's Home Railway Company, approved April thirtieth, anno Domini eighteen hundred and ninety, is hereby amended by substituting the word "five" for the word "three" in the last line of said act. And that the act to amend the charter of the Eckington and Soldier's Home Railroad Company, approved July fifth, eighteen hundred and ninety-two, be amended in the first proviso by striking out the word "twelfth" therein and inserting in place thereof the word "thirteenth," so that the proviso will read, "*Provided*, that until C and D streets shall have been paved and provided with sewers to Fifteenth street the company shall

Eckington and Soldiers' Home R. R. Co. May use overhead wires until 1895.

Extension to Thirteenth street, N.E.

not be required to construct its road beyond Thirteenth street, and that said company shall have authority to make connection with D street from C street through and along Thirteenth street northeast." And in the fourth proviso by striking out the word "horse" and inserting in lieu thereof the word "steam," so that the proviso will read, *Provided*, That steam power shall not be used on said line for traction purposes, and that, if electric wires or cables are used to propel its cars over any of the routes hereby authorized within the limits of the city of Washington, the same shall be placed under ground." Horse power allowed.

And in section three, by striking out the words "one year," and inserting in lieu thereof the words "two years," so that the section, as amended, will read "That, unless said extensions are commenced within three months, and the cars run thereon within two years from the passage of this act, except, as otherwise expressly provided for, the authority hereby granted shall be void: *Provided*, That said railroad shall be constructed on such grade and in such manner as shall be approved by the Commissioners of the District of Columbia." Time for construction extended.

Approved, February 13, 1893. Construction.

AN ACT To amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway." (Also amending the charter of the Eckington and Soldiers' Home Railway Company.) August 23, 1894. Stats. 28, p. 492.

SEC. 5. That the Act to amend the charter of the Eckington and Soldiers' Home Railway Company, approved July fifth, eighteen hundred and ninety-two, is hereby amended by striking out in Section one, beginning in line six with the words, "Beginning at the intersection of" to and including the words "point of beginning" in line twenty-nine, and inserting in place thereof the following: Eckington and Soldiers' Home R. R. Co. Route amended.

Beginning at the intersection of Fifth and G streets northwest, east along G street to New Jersey avenue and First street; thence south along First street northwest to C street northwest; thence east along C street (around the south side of Stanton Square by single track) to Fifteenth street northeast; thence north on Fifteenth street to D street northeast; thence west on D street to Fourth street northeast; thence south on Fourth street to C street northeast; thence west on C street to New Jersey avenue; thence north on New Jersey avenue to D street northwest; thence west on D street to First street, and to the point of beginning; also beginning at the intersection of G street northwest and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to New York avenue, connecting with the main line and the North Capitol street branch; also beginning at the intersection of G and Fifth

streets northwest; thence south on Fifth street to Louisiana avenue, thence along Louisiana avenue to Sixth street west; thence south along Sixth street to B street northwest; thence west on B street (over its own tracks for such a distance as the Commissioners of the District of Columbia shall determine) to a point to be located by the said District Commissioners near the east curb line of Seventh street northwest, and returning by the same route to Fifth street northwest.

Stock increased. Also by inserting in Section two after the word "hundred" the words, "and fifty."

Time extended. Also by inserting in Section three, as amended, after the words "two years" the words, "and three months."

Amendment. SEC. 6. That Congress reserves the right at any time to alter, amend, or repeal this Act.

Approved, August 23, 1894.

June 10, 1896. AN ACT To extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company, of the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within three months from the passage of this Act the Eckington and Soldiers' Home Railway Company, and the Belt Railway Company, both of the District of Columbia, respectively, shall begin to equip those portions of their respective lines which are situated within the boundaries of the city of Washington with compressed-air motors. If after a trial of three months the said compressed-air motors shall, in the judgment of the Commissioners of the District of Columbia, prove to be in all respects a proper and satisfactory motive power for the speedy and convenient propulsion of street cars, then the said Commissioners are hereby authorized and directed to issue to the said railway companies, respectively, permits to equip their lines within the District of Columbia with such compressed-air motors; and within six months from the passage of this Act the said railway companies shall cease to use horsepower on any and all of their respective lines. In the event that the said compressed-air motors shall not be approved as herein provided for, then within eighteen months from the passage of this Act the said companies, respectively, shall construct and put into full operation on all their lines in the city of Washington the underground electric system. No extension of any of the lines in this Act provided for shall be operated by horsepower: *And provided further,* That within thirty days from the passage of this Act cars shall be regularly run over the existing tracks, beginning at the intersection of G street and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to T street, according to a schedule satisfactory to the

Eckington and Soldiers' Home R. R. Co.

Shall equip line with air motors within three months.

Shall cease use of horsepower within six months.

Electric underground system to be substituted if air motors prove unsatisfactory. Horsepower not to be used on extensions.

North Capitol street branch to be operated.

Commissioners of the District of Columbia. Neglect or failure to comply with the provisions of this section shall subject the corporation so neglecting or failing to a penalty of fifty dollars for each and every day during which such failure or neglect continues, said penalty to be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

SEC. 2. That the Eckington and Soldiers' Home Railway Company of the District of Columbia be, and the same hereby is, authorized to lay down and operate a street railway in the city of Washington, District of Columbia, through and along the following-named streets and avenues, to wit:

Beginning at the junction of Eighth and D streets north-east; thence by double track south along Eighth street to C street south; thence by single track as follows: west on C street south to Seventh street east; thence south on Seventh street east to M street south; thence east on M street south to Georgia avenue; thence northeast on Georgia avenue to Ninth street east; thence north on Ninth street east to C street south; thence west on C street south to Eighth street east.

SEC. 3. That said Eckington and Soldiers' Home Railway Company is authorized to increase its capital stock or to issue bonds for such amounts as may be necessary to pay the actual cost of constructing and equipping the extensions hereinbefore authorized: *Provided,* That the question as to the amount to be provided for in connection with such extension and the method of providing for the same, whether by issuance of stock or bonds, shall be decided by a majority in value of the stockholders at a meeting to be called for the purpose after reasonable notice; and authority is hereby conferred upon said company, in case of issuance of bonds, to make due conveyance of its corporate franchises and property for the purpose of securing the same: *Provided, however,* That any such conveyance by way of mortgage shall be subject to the prior lien already created by deed of trust dated June first, eighteen hundred and ninety-one, and recorded in liber fifteen hundred and eighty, folio three hundred and twenty-seven and following, of the land records of the District of Columbia, which conveys all the real estate and franchises of said railroad, as well as the line of said railroad now existing and such additions thereto at any time made, located, extended, or constructed: *And provided,* That said Eckington and Soldiers' Home Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway; which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe.

SEC. 4. That the Belt Railway Company of the District of Columbia be, and the same hereby is, authorized to lay down and operate a double-track railway, with the neces-

Extension on Eighth street east, etc.

Increase of stock. Bonds.

Issue limited to cost of construction and equipment.

sary switches and turn-outs, in the city of Washington, District of Columbia, through and along the following-named streets and avenues, to wit:

Extension
of
Belt Ry. to
Droit Park.

Beginning at Fourth and O streets northwest; thence north on Fourth street west to Florida avenue; thence north crossing Florida avenue to Harewood street; thence along Harewood street to Elm street; thence west along Elm street to Linden street; thence north on Linden street to Pomeroy street; thence west on Pomeroy street to the east building line of Seventh street west extended.

Extension
on
Water street.

Also beginning at the present terminus of the Belt Railway on Water street, near N street south; thence south along Water street to P street south by an extension of the present tracks of the Belt Railway; thence by further extension of said tracks east along P street south to Delaware avenue: *Provided*, That if there is not sufficient room for two tracks on Water street without encroaching on tracks already there, that the said Belt Line Railway Company shall purchase, at its own cost, sufficient ground to open Water street from the terminus of its line as now located along said projected route to P street.

Completion.

SEC. 5. That the construction of the extensions hereby authorized shall be completed within one year after the approval of this Act: *Provided*, That in case any one or more of the said extensions shall not be completed and operated regularly within the time specified, then so much of this Act as authorizes such uncompleted extensions shall be void and of no effect.

Belt Railway
may increase
stock or issue
bonds.

SEC. 6. That said Belt Railway Company is authorized to increase its capital stock or to issue bonds for such amounts as may be necessary to pay the actual cost of constructing and equipping the several extensions hereinbefore authorized: *Provided*, That the question as to the amount to be provided for in connection with each extension and the method of providing for the same, whether by issuance of stocks or bonds, shall be decided by a majority in value of the stockholders at a meeting to be called for the purpose after reasonable notice; and authority is hereby conferred upon said company, in case of issuance of bonds, to make due conveyance of its corporate franchises and property for the purpose of securing the same: *Provided, however*, That any such conveyance by way of mortgage shall be subject to the prior lien already created by deed of trust dated July thirty-first, eighteen hundred and ninety-one, and recorded in liber sixteen hundred and six, folios one hundred and ninety-seven and following, of the land records of the District of Columbia, which conveys all the real estate and franchises of said railroad, as well as the line of said railroad now existing and such additions thereto at any time made, located, extended, or constructed: *And provided*, That said Belt Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway, which actual cost shall be ascertained by the

Issue limited
to cost of con-
struction and
equipment.

supreme court of the District of Columbia in such manner as the said court shall prescribe.

SEC. 7. That such extensions of said railroads and each of them shall be constructed on such grade and in such manner as shall be approved by the Commissioners of the District of Columbia.

Construction.

SEC. 8. That it shall be lawful for said railway companies and each of them, their and each of their successors or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said companies, or either of them, may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices for machinery for operating said railroad in the manner and by the means aforesaid. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground construction shall be borne by the said railway company making such trench or excavation.

Excavations.

SEC. 9. That each of the said corporations shall at all times keep the space between their tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct; and whenever any street occupied by either of said railway is paved and repaired or otherwise improved, the said corporation shall bear all expense of improving the spaces above described. Should either of the said corporations fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia, and the amounts due from such corporation shall be collected as provided by section five of the Act entitled "An Act providing for a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Paving.

SEC. 10. That every street-railroad corporation in the District of Columbia, and every such corporation which shall hereafter be organized, shall, on or before the first day of February in each year, make a report to each the Senate and the House of Representatives, which report shall be sworn to and signed by the president and treasurer of such corporation, and shall cover the period of one year ending the thirty-first day of December previous to the date of making the report. Such report shall state the amount of capital stock, with a list of the stockholders and the amount of stock held by each; the amount of capital stock paid in; the total amount now of funded debt; the amount of floating debt; the average rate per annum of interest on funded debt; amount of dividends declared; cost of roadbed and superstructure, including iron; cost of land, buildings, and fixtures, including land damages; cost of cars, horses, harness, and motors and other machinery; total cost of road and equipment; length of road

Annual report.

in miles; length of double track, including sidings; weight of rail, by yard; the number of cars and of horses; the number of motors; the total number of passengers carried in cars; the average time consumed by passenger cars in passing over the road; repairs of roadbed and railway, including iron, and repairs of buildings and fixtures; total cost of maintaining road and real estate; cost of general superintendence; salaries of officers, clerks, agents, and office expenses; wages paid conductors, drivers, engineers, and motor men; water and other taxes; damages to persons and property, including medical attendance; rents, including use of other roads; total expense of operating road, and repairs; receipts from passengers; receipts from all other sources, specifying what, in detail; total receipts from all sources during the year; payments for maintenance and repairs; payments for interest; payments for dividends on stock, amount and rate per centum; total payments during the year; the number of persons injured in life and limb; the cause of the injury, and whether passengers, employees, or other persons.

Fare. SEC. 11. That each of said companies shall receive a rate of fare not exceeding five cents per passenger, and the said companies, and each of them, shall make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

Amendment, repeal, etc. SEC. 12. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 10, 1896.

Feb. 3, 1897. JOINT RESOLUTION Extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section one of an Act entitled an Act to extend the routes of said railway companies, and so forth, approved June tenth, eighteen hundred and ninety-six.

Time extended to equip. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the time granted by the Act approved June tenth, eighteen hundred and ninety-six, within which the said Eckington and Soldiers' Home Railway Company, of the District of Columbia, and the Belt Railway Company, of the District of Columbia, shall begin to equip those portions of their respective lines which are situated within the boundary of the city of Washington with compressed-air motors, be, and it is hereby, extended to July first, eighteen hundred and ninety-seven.

SEC. 2. That if said compressed-air motors shall be adopted, said companies shall completely equip their respective lines with such motive power on or before July first, eighteen hundred and ninety-eight.

SEC. 3. That if said compressed-air motive power shall not be adopted on or before July first, eighteen hundred

and ninety-seven, then said railway companies shall, within one year from July first, eighteen hundred and ninety-seven, equip the respective lines in the city of Washington with an underground electric system: *Provided*, That in case the said companies shall fail to comply with all of the requirements of this Act by the time therein fixed the said companies and each of them shall forfeit and pay to the Commissioners of the District of Columbia the sum of one hundred dollars for each day of such failure: *And provided further*, That if said companies shall fail to operate the whole of their respective lines as provided by An Act entitled An Act to extend the routes of said railway companies, and so forth, approved June tenth, eighteen hundred and ninety-six, in such manner and on such schedules as the Commissioners shall approve, then said companies and each of them shall forfeit and pay to the District Commissioners the sum of one hundred dollars for each day of such failure.

Penalty.

Schedules.

Penalty.

SEC. 4. All acts or parts of acts, inconsistent with this Act are hereby repealed.

Approved, February 3, 1897.

AN ACT To amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes. June 27, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Eckington and Soldiers' Home Railway Company of the District of Columbia be, and it is hereby, authorized to purchase or lease the property and franchises or any part thereof, of the Maryland and Washington Railway Company of the District of Columbia and that part of the property and franchises of the Columbia and Maryland Railway Company of Maryland lying between the District line and the town of Laurel, Maryland, and the Maryland and Washington Railway Company is hereby authorized to sell or lease its property and franchises to the said Eckington and Soldiers' Home Railway Company: *Provided*, That only one fare, not exceeding the rate now authorized by law, shall be charged for a single continuous ride over all the lines in the District of Columbia affected by such purchase or lease.

Eckington and Soldiers' Home Rwy. may purchase or lease Maryland and Washington Rwy.

Fare.

SEC. 2. That the said Eckington and Soldiers' Home Railway Company, under the supervision of the Commissioners of the District of Columbia, shall fully equip all its lines now owned and operated within the city of Washington and also the North Capitol street line from the intersection of G street north and New Jersey avenue to T street north with an underground electric system essentially similar to the underground system now in use by the Metropolitan Railroad Company in said city, upon plans to be submitted to and approved by the said Commission-

To equip with underground system.

ers, and shall have its cars regularly running by said system within twelve months from the passage of this Act: *Provided*, That nothing herein contained shall be construed as authorizing or permitting said company to use their conduits or cables or electrical conductors of any character whatever for the purpose of electric lighting or power, except such as may be necessary for the lighting and propelling of the cars and other machinery of such road and the power house of said company, or other property owned or acquired by said company adjacent to the lines of the road and necessary for the operation of said road: *Pro-*

vided, however, That the Commissioners of the District of Columbia are hereby authorized to permit street railway companies using the underground electric system to construct conduits not exceeding five blocks in length to connect their existing conduits for the purpose of conveying electric current to be used for street railway purposes only:

And provided further, That before permits shall be issued to begin such work all taxes and special assessments due and unpaid to the District of Columbia, and all indebtedness due the employees for labor, or due others for coal, feed, horseshoes, and other supplies, contracted for by the receiver of the said Eckington and Soldiers' Home Railway, duly appointed by the court, and used on behalf and for the benefit of said company, during such receivership, and to be approved by the court appointing such receiver, shall first be paid: *Provided*, That in case of any lines purchased or leased by said Eckington and Soldiers' Home Railway Company, such lines within the city of Washington shall be fully equipped with said underground electric system within twelve months from the completion of such purchase or lease, and the North Capitol street branch shall be completed with the underground system to the Soldiers' Home within twelve months from the opening and grading of said street.

SEC. 3. That the route of the Eckington and Soldiers' Home Railway Company shall be as at present, with the following changes, to wit: Between the intersections of T and Third streets northeast and R and Second streets northeast one track shall be abandoned, and in lieu thereof a single track shall be constructed between the same points on T and Second streets northeast; between the intersections of Eckington place and Florida avenue and New York avenue and First street northeast both tracks shall be abandoned, and in lieu thereof a double track shall be constructed between these two points, crossing Florida avenue and on First street; between the intersections of New York avenue and Fifth street and Fifth street and G street northwest, the roadway shall be widened to a width of forty-five feet, one-half at the expense of said company, and one-half at the expense of any District of Columbia appropriation available for such work; a single track between First and C streets and Fourth and D streets northeast shall be abandoned, and in lieu thereof a single track

Not to use
cables for light-
ing or power.

Commissioners
may permit con-
duits to be ex-
tended for five
blocks.

To pay taxes
and wages of
employees.

Route amend-
ed.

shall be constructed on D and First streets northeast, between these points: *Provided further*, That the abandoned tracks shall be removed, and the single tracks, with all the necessary switches, turn-outs, and so forth, shall be located subject to the approval of the Commissioners of the District of Columbia.

SEC. 4. That the said Eckington and Soldiers' Home Railway Company is hereby authorized to issue its capital stock and its bonds to an aggregate amount sufficient to cover the cost of the property and franchises whose purchase or lease is herein provided for and the cost of the construction, equipment, and reequipment of the railway lines now owned by the said Eckington and Soldiers' Home Railway Company or hereafter to be acquired by said company, and to secure said bonds by mortgage or deed of trust of any part or all of its property and franchises, as now owned or hereafter to be acquired under the provisions of this Act or otherwise: *Provided*, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company: *And provided further*, That the issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment aforesaid, and the total outstanding bonds and stock shall in no event exceed the sum of one hundred and fifty thousand dollars per mile of single track.

SEC. 5. That within sixty days from the date of the approval of this Act the Eckington and Soldiers' Home Railway Company shall deposit five thousand dollars with the collector of taxes of the District of Columbia to guarantee the construction, equipment, and reequipment of its lines, as authorized and prescribed by this Act. If said sum is not so deposited, then this Act shall be void. If said sum is so deposited and the said lines are not reconstructed, equipped, and reequipped as herein provided for, then said sum of five thousand dollars shall be forfeited to the District of Columbia, and this Act shall be void.

SEC. 6. That the power to institute condemnation proceedings conferred upon the Maryland and Washington Railway Company by section twenty-four of the joint resolution entitled "A joint resolution to extend the charter of the Maryland and Washington Railway Company," approved August twenty-third, eighteen hundred and ninety-four, be, and the same is hereby, continued in force one year from the passage of this Act.

SEC. 7. That on and after twelve months from the passage of this Act the Eckington and Soldiers' Home Railway Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by the said Eckington and Soldiers' Home Railway Company, the sum of fifty dollars for each and every day thereafter until said road shall be completed.

Abandoned
tracks.

Capital stock.
Bonds.

Limit of issue.

Deposit to
guarantee con-
struction.

Forfeit.

Condemna-
tion.

Tax or penalty

Creditors.

SEC. 8. That nothing herein shall be construed to relieve any of the corporations herein mentioned from any just liability nor to in any manner affect any valid subsisting claim of any creditor against said corporations, or either of them.

May change
name to City and
Suburban.

SEC. 9. That the Eckington and Soldiers' Home Railway Company is hereby authorized to change its name to City and Suburban Railway of Washington by a majority vote of its stockholders, such change to become operative when a certificate of the action of the stockholders shall have been recorded in the office of the recorder of deeds of the District of Columbia; such certificate to be signed by the president, attested by the secretary, and the corporate seal to be attached thereto.

SEC. 10. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 27, 1898.

March 3, 1899. JOINT RESOLUTION To promote the relocation of certain tracks of the City and Suburban Railway Company, of the District of Columbia.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That
Abandon tracks
around Stanton
Square.
To equip with
underground
electric system.
Route.
SEC. 1. That the City and Suburban Railway Company, of Washington, be, and it is hereby, authorized and directed to abandon its single track passing around the south side of Stanton Square, and in lieu thereof construct an additional single track on the north side of Stanton Square from the intersection of Fourth and C streets northeast to Sixth and C streets northeast. That the City and Suburban Railway of Washington, be and it is hereby authorized and required within six months after the passage of this Act, to equip with the same underground system of electrical propulsion, as is now being installed on its urban lines the following portion of its suburban route, to wit:

Beginning at the intersection of Florida avenue and Eckington place, and running thence north through Eckington place to north R street; thence east on north R street to east Third street; thence by single track north on east Third street to north T street; thence still by single track west on north T street to east Second street; thence south on east Second street to north R street; thence on north R street to Eckington place, and thence to the beginning:

Providing, upon completion by said City and Suburban Railway of the underground construction hereinbefore provided for, the obligation of the said City and Suburban Railway imposed by section two of the act approved June twenty-seventh, eighteen hundred and ninety-eight, in respect to the construction of its line on North Capitol street north of T street, shall cease and in lieu of that provision said City and Suburban Railway is required, within six months after North Capitol street shall have been graded,

to construct and operate a double-track railway on North Capitol street from T street to Michigan avenue; thence on Michigan avenue east to connect with its present tracks on Bunker Hill road.

Said railway on North Capitol street north of T street and on Michigan avenue is to be operated by the overhead trolley system; but the right to operate an overhead trolley on North Capitol street shall cease and determine on July first, nineteen hundred and four, or whenever after that date the said street shall be paved; and the said company shall, on and after said date or paving as aforesaid operate the said portion of its line by the underground electric system.

Approved, March 3, 1899.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

AN ACT To incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia. August 22, 1888. Stats. 25, p. 446.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John W. Thompson, Richard H. Goldsborough, William J. Thompson, Henry H. Dodge, W. K. Ryan, Osceola C. Green, and Norval W. Burchell, of the District of Columbia; Arthur E. Bateman, T. W. Pearsall, and Harvey Durand, of the city and State of New York; and Nathaniel W. Bowe and John A. Coke, of the city of Richmond, State of Virginia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate under the name of the Georgetown and Tennallytown, Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with necessary switches, turn-outs, and other mechanical devices for operating the same by cable or electric power for carrying passengers in the District of Columbia, from the Potomac River near High street, to, and along High street in Georgetown to the Tennallytown road, but wholly outside of the limits of said road, and along the side of the said road to the District line; also the privilege of laying such conduits beneath the surface of Water street for the purpose of conveying or communicating power from any suitable point along said Water street to said High street, as may be found necessary, and subject to the approval of the Commissioners of the District of Columbia: *Provided, however,* That such conduits shall be laid so as not to impair the surface of said Water street for traffic and wagon travel. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of other duly incorporated street railway companies in the District of Columbia, either or both company may use the said track when necessary; and in such case they may use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said corporation is authorized and empowered to propel its cars on such other lines as it shall coincide with by cable power or such other motive power as it is authorized to use to propel its own cars over the routes

Georgetown and Tennallytown Railway Company incorporated (amended).

Motive power.

Route.

Conduits.

Coinciding routes.

Motive power.

prescribed in this act, and may repair and construct such portions of its road as may be upon the line or route, or routes, of any other road thus used; and in case of any disagreement regarding such construction or repairs with any company whose line is thus used, such disagreement may be heard and determined summarily upon the application of either road to any court in said District having common-law jurisdiction. Said company shall receive a rate of fare not exceeding five cents for each passenger for any distance between the termini of said railway, and shall sell tickets in packages six for twenty-five cents. Said railway shall be constructed of good materials and in a substantial manner, with rails of the most approved pattern, the gauge to correspond with that of other city railroads, all to be approved by the Commissioners of the District of Columbia. The tracks of said railway, the space between the tracks, and two feet beyond the outer rails thereof, where the streets are now paved, or shall hereafter be paved, which this franchise is intended to cover, shall be at all times kept by said corporation well paved and in good order, and on streets and roads not paved said corporation shall keep said tracks and the space between them in good repair, at its own expense, and subject to the approval of the District Commissioners. It shall be lawful for said corporation, its successors or assigns, to make all needful and convenient trenches and excavations in any streets or places where said corporations may be authorized to construct and operate its roads, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid. It shall also be lawful for said corporation, its successors, or assigns, to erect and maintain, at such convenient and suitable points along the line as may seem most desirable to the board of directors of said corporation, and subject to the approval of the Commissioners of the District, an engine-house or houses, boiler-house, and other buildings necessary for the successful operation of such cable or electric railroad. The rate of speed on said road shall not exceed twelve miles an hour, under a penalty of fifty dollars, recoverable by the Commissioners of the District by suit in any court of competent jurisdiction in the District of Columbia. Said company shall, on or before the fifteenth of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of personal taxes for the next ensuing year four per centum of its gross earnings upon traffic for the preceding year as shown by said verified statement, which amount shall be payable to

Fare.

Construction.

Paving.

Excavations.

Engine houses, etc.

Speed.

Annual report.

Taxes.

the collector of taxes at the times and in the manner that other taxes are payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as may be provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property, used solely and exclusively in the operation and management of said railway.

SEC. 2. That the capital stock of said company shall be two hundred thousand dollars in shares of fifty dollars each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the incorporators the amounts severally subscribed, as follows, namely: Ten per centum at the time of subscribing, and the balance of such subscriptions to be paid at such times and in such amounts as the board of directors may require, and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, or as required by a resolution of the board of directors, the board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due), under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable; or said corporation may sue and collect the same from any delinquent subscriber, in any court of competent jurisdiction. The said company shall place first-class cars on said railways, with all modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require. And according to a published schedule to be filed with the District Commissioners, and be approved by them. The said company may buy, lease, or construct passenger rooms, ticket offices, workshops, depots, and buildings as they may deem necessary, at such points along its line as may be approved by the Commissioners of the District, and as the business of the railway and the convenience of the public may require. Whenever one-half of the said whole capital stock of said company so subscribed, as aforesaid, shall have been paid in, the said corporation shall have the right to issue bonds to an amount equal to half the stock subscribed, to be secured by mortgage of its franchise and property, real and personal: *Provided*, That no larger amount of stock and bonds shall be issued than the actual cash cost of the construction and equipment of the road: *Provided*, That the moneys raised on said bonds shall be used and expended for the improvement and completion of the said road, and not for the pur-

Capital stock.

Subscription.

Cars.

Passenger rooms, etc.

Bonds.

Limit of stock and bonds.

pose of repaying the said corporation for the moneys expended by it on said road. Within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders:

Payments. *Provided*, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum, at the time of subscribing, except lawful money or certified checks from any established national banking-house. And when the books of subscription to the capital stock of said company shall be closed, the corporators and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which meeting notice shall be given in a public newspaper published daily in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Directors. SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year and until others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, who shall give a bond, with surety, to said company, in such sum as the said directors may require for the faithful discharge of his trust. In the

Filling vacancies. case of a vacancy in the board of directors by the death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors. The directors shall have power to make and prescribe such

By-laws. by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate and effects of the company, not contrary to the charter or to the laws of the United States and

the ordinances of the District of Columbia. There shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders and to the Commissioners of the District of Columbia. Said company shall have at all times the free and uninterrupted use of the railway; and if any person or persons shall willfully or mischievously, unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars to said company, to be recovered as other fines and penalties of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid. No person shall be prohibited the right to travel on the cars of said road, or ejected therefrom by the company's employees for any other cause than of being drunk, disorderly, or contagiously diseased, or for the use of obscene or profane language, refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company. The said Georgetown and Tennallytown Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction. The principal office of said company shall always be situated in the city of Washington, and all books and papers relating to the business of said company shall be kept thereat, and open at all times to the inspection of the stockholders. The meeting of the stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

SEC. 4. That the said work shall commence within one year from the passage of this act, and be completed its entire distance, with switches and turn-outs, and with cars running thereon for the accommodation of passengers, within two years from the date of the passage of this act; otherwise this charter shall be null and void.

SEC. 5. That Congress hereby reserves to itself the right to at any time alter, amend, or repeal this act.

Received by the President August 10, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United

Opening of
subscription
books.

Payments.

Meeting of
stockholders.

Directors.

Officers.

Filling vacan-
cies.

By-laws.

Annual meet-
ing.

Free use of
railway.

Exclusion from
cars.

Crossings.

Commence-
ment and com-
pletion.

Amendment.

States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

March 24, 1890. AN ACT To amend an act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia, which became a law August tenth, anno Domini eighteen hundred and eighty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia" be, and the same hereby is, amended, by substituting after the words "and along High street, in Georgetown, to the Tennallytown road" the words "and thence along and in said road" for the words "but wholly outside of the limits of said road and along the side of said road": *Provided, That the inner line of rails shall be at the minimum distance of eight feet from the center of the improved road-way: And provided further, That said railway shall be located on such side of the road way as may be indicated by the Commissioners of the District of Columbia.*

Approved, March 24, 1890.

July 14, 1892.
Stats. 27, p. 155.

Georgetown and Tennallytown Ry. Co.
Shall pay for certain improvements to High street.

Provided, That the streets and avenues shall be completed in the order in which they appear in said schedules, except High street, so far as the amount of money herein appropriated shall suffice for the work, and one-half of the cost of widening High street named in the Georgetown schedule shall be charged to the Georgetown and Tennallytown Railway Company of the District of Columbia and collected from said company in the same manner as the cost of laying down pavements, sewers, and other work, or repairing the same, lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof, are collectible under the provisions of section five of the act entitled "An act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight"; and the act of August twenty-second, eighteen hundred and eighty-eight, entitled "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia," is hereby altered and amended so as to authorize and require such charge and collection.

Approved, July 14, 1892.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

AN ACT To incorporate the Georgetown Barge, Dock, Elevator, and Railway Company.

Sept. 26, 1888.
Stats. 25, p. 492.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Anthony Hyde, William A. Gordon, Robert B. Tenney, Henry H. Dodge, Morris J. Adler, Edward L. Dent, John A. Baker, John Marbury, and Henry M. Sweeny, their associates and assigns, be, and they are hereby, created a body corporate under the name of the Georgetown Barge, Dock, Elevator, and Railway Company, with authority to build and maintain a dock or docks on the Potomac River west of Rock Creek, and to receive therein, and send therefrom, barges, vessels, cargoes, and railway cars, from and to any points on the Potomac River and its tributaries and coastwise; and to construct and maintain single or double track railways in the city of Georgetown or West Washington, District of Columbia, through and along Water street, beginning at a point on the west side of the Aqueduct Bridge, through and along said Water street, under said bridge to the eastern terminus of said Water street at Rock Creek, with the privilege of extending its tracks from the intersection of Water street and Washington or Thirtieth street along Washington or Thirtieth street to the Potomac River, and from the intersection of Virginia avenue and Washington or Thirtieth street along Virginia avenue to Rock Creek, with sidings, turn-outs, turn-tables, and switches necessary for the delivery of cars to warehouses and depots along said streets; and also to construct and maintain warehouses, depots, and elevators in said city of Georgetown or West Washington, with the right to receive and dispatch boats and freight of all kinds, and to run cars on said tracks, sidings, switches, turn-outs, and turn-tables, propelled by steam, horse, or electric power; and to charge and receive for the use of the docks, railway, warehouses, depots, elevators, and barges of said company, such rates as may be fixed by the directors, with the approval of the Commissioners of the District: *Provided, That when said lines coincide with the duly authorized lines of any duly incorporated street railway of the District of Columbia, said company shall lay separate and independent tracks in the original construction of the said lines whenever, in the judgment of the Commissioners of the District of Columbia, it shall be deemed by them possible and practicable so to do. Whenever the foregoing route or routes may coincide with**

Georgetown Barge, Dock, Elevator, and Railway Company incorporated.

Route.

Warehouses, depots, etc.

Coinciding routes.

the duly authorized route or routes of any duly incorporated street railway company in the District of Columbia, either or both companies may use the same tracks, when, on account of the width of the streets, or for other sufficient reason, it shall be deemed by the Commissioners of the District to be necessary; and in such case they may use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said company fail to agree upon equitable terms, either of said companies may apply, by petition, to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said railway shall be constructed of good materials and in a substantial manner, with the rails of American manufacture and of the most approved patterns, laid upon an even surface with the pavement of the street, with the gauge to correspond with that of the Baltimore and Ohio and Baltimore and Potomac Railroad Companies, all to be approved by the Commissioners of the District of Columbia. The tracks of said railway, the space between the tracks, and two feet beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporation well paved and in good repair at its own expense and subject to the approval of the Commissioners aforesaid. And if the corporation shall fail to make the necessary repairs within ten days after notice by the Commissioners, the repairs shall be made by the Commissioners, and the cost of such repairs be recovered by the Commissioners before any court of competent jurisdiction. It shall be lawful for said corporation, its successors, or assigns, to operate its said road by steam, horse, or electric power. It shall also be lawful for said corporation, its successors, or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of said corporation, and subject to the approval of the Commissioners of the District, an engine-house or houses, boiler-house or houses, and all other buildings necessary for the operation of a steam, horse, or electric motor railroad. The main line of said road shall be completed within two years from the passage of this act; and if work is not commenced and prosecuted in good faith on the main line in six months after the passage of this act, then the privileges and powers granted herein to said corporation shall be void.

Capital stock. SEC. 2. That the capital stock of said company shall not exceed fifty thousand dollars and be not less than twenty-five thousand dollars, in shares of fifty dollars each; but if said company shall find it necessary to purchase or construct barges and tug-boats then the said company shall have the right to issue additional stock or bonds, not exceeding fifty thousand dollars: *Provided, however,* That no bonds shall be issued hereunder until at least fifty per cen-

tum of the capital stock shall have been actually paid into the treasury of the company upon stock subscriptions, and that no bonds shall be issued for a greater sum than the sum actually paid into the treasury of the company upon stock subscriptions. And said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the corporators, the amounts severally subscribed by them as follows, namely: Ten per centum at the time of subscribing and five per centum each thirty days thereafter until fifty per centum thereof shall have been paid; the balance of such subscriptions to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by a resolution of the board of directors after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installment (and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder), and the sale shall be conducted according to such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said body may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction. The said company shall buy, lease, construct, and maintain workshops, depots, lands, and buildings as they may deem necessary at such points along its line as may be approved by the Commissioners of the District, and as the business of the company may require: *Provided,* That within thirty days after the passage of this act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than ten days (unless the stock shall be sooner subscribed; and said corporators shall give public notice, by advertisement in two of the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided,* That every subscriber shall pay at the time of subscribing ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further,* That nothing shall be received in payment of the ten per centum at the time of subscribing and the additional installments hereinbefore provided for, except lawful

Bonds.

Subscriptions.

Organization.

Payments on stock.

Meeting of stockholders. money or certified checks from any national bank; and when the books of subscription to the capital stock of said company shall be closed the incorporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Directors. SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the directors (a majority of whom shall be a quorum) shall elect one of their number to be President of the board, who shall be president of the company; and they also shall choose a vice-president, a secretary, and a treasurer, who shall give a bond, with surety, to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In the case of a vacancy in the board of directors, by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors. The directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

By-laws.

Annual report.

Obstruction of cars, etc.

Regulations by Commissioners.

There shall be an annual meeting of the stockholders for election of directors, to be held at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report, in writing, of their doings to the stockholders. If any person or persons shall willfully, mischievously, or unnecessarily obstruct or impede the passage of the cars, engines, or barges of said company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with operatives while in transit, or destroy or injure the tracks, barges, cars, or other property belonging to said company, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid. That the Commissioners of the District shall make such reasonable regulations as may be deemed proper to prevent the said railroad company from obstructing any of the streets the tracks of said company may cross, and for the violation of said reg-

ulations the said company shall be subject to a penalty not exceeding one hundred dollars, to be recovered in any court of competent jurisdiction. The principal offices of said company shall always be situated in the city of Washington, and all books and papers relating to the business of said company shall be kept thereat and open at all times to the inspection of the stockholders. The meeting of stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

SEC. 4. That each stockholder in the said company shall be individually liable for all the debts and liabilities of said company to the amount of the par value of the stock held by such stockholder, until the same shall have been fully paid up.

SEC. 5. That the said company shall, on or before the fifteenth day of January of each year, make a report to Congress of the names of all the stockholders therein, and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source, and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by the affidavit of the president and secretary of the company, and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the Commissioners to cause proceedings to be instituted to forfeit this charter; and said company shall pay to the District of Columbia, as taxes for each year, five per centum of its gross earnings for the preceding year, as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of taxes of whatsoever character upon its personal property, including its docks and barges, cars, and motive power, but the real estate of the company may be taxed as other real estate in the District: *Provided*, That the tracks of the company shall not be taxed as real estate.

SEC. 6. That the water front at the end of all public streets and highways shall be and remain open to the use of the public.

SEC. 7. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Approved, September 26, 1888.

Office.

Liability of stockholders.

Annual report.

Taxes.

Water front of streets.

Amendment.

MARYLAND AND WASHINGTON RAILWAY COMPANY.

AN ACT To incorporate the Maryland and Washington Railway Company. August 1, 1892. Stats. 27, p. 341.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Maryland and Washington Railway Company incorporated (amended).
 Abram P. Fardon, J. Henry Small, junior, Wright Rives, Bedford W. Walker, Louis D. Wine, John O. Johnson, Charles A. Wells, Joseph A. Blundon, A. O. Bliss, Edwin A. Newman, Van H. Manning, Wallace A. Bartlett, Ellis Speare, Benjamin D. Stephen, D. M. Nesbit, P. A. Scaggs, Francis H. Smith, W. Clarence Duvall, Filmore Beall, and their associates, successors, and assigns are hereby created a body corporate by the name, style, and title of the "Maryland and Washington Railway Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized to construct and lay down a single or double track railway, and if it should construct and lay down a single-track railway with the right subsequently to change the same to a double-track railway, as may be approved by the Commissioners of the District of Columbia, with the necessary switches, turn-outs, and other mechanical devices, through and along the following routes, to wit: Beginning at the point where Rhode Island avenue of the city of Washington if extended in its present course would intersect Fourth street northeast, as extended due north, and running thence with and along said Rhode Island avenue as thus extended, or adjacent thereto, to a point at or near the point of intersection of said Rhode Island avenue with the northeast boundary line of the District of Columbia: *Provided*, That all of the routes herein mentioned shall be subject to the approval of the Commissioners of the District of Columbia: *Provided further*, That whenever the lines of the said company shall cross any steam railway they shall cross by an overhead bridge or beneath the tracks of said railway, as may be approved by the Commissioners of the District of Columbia. *Subject to approval of Commissioners.*
 SEC. 2. That said company may run public carriages propelled by cable, electric, or other mechanical power, subject to the approval of the said Commissioners, but nothing in this act shall allow the use of steam power in locomotives: *Provided further*, That for the purpose of making a continuous connection the said company shall have the right to *Motive power.*

Crossings. cross all streets, avenues, and highways that may be necessary for the purpose.

Fare. SEC. 3. That said company shall receive a rate of fare not exceeding five cents per passenger for any continuous ride over its line within the District of Columbia; and the said company may make arrangements with all existing railway companies in the District of Columbia, for the interchange of tickets in payment of fare on its road: *Provided*, That six tickets shall be sold for twenty-five cents within the District limits.

Annual report. SEC. 4. That said company shall, on or before the fifteenth of January of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein, the amount of stock held by each and the amount paid thereon, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by affidavit of the president and secretary of said company, and, if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings, which amount shall be payable to the collector of taxes, at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said four per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

Construction (sec. 5 amended). SEC. 5. That the said railway shall be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the Commissioners of the said District, laid upon an even surface with the pavement of the street, and the gauge to correspond with that of other city railways. Wherever more than one of the tracks of said railroad company shall be constructed on any of the public highways in the District of Columbia, the width of the space between the two tracks shall not exceed four feet.

Paving. SEC. 6. That the said corporation hereby created shall be bound to keep said tracks, and for the space of two feet

beyond the outer rails thereof, and also the space between the tracks, at all times in such good order as the Commissioners of the District of Columbia may require, wherever it shall run over streets, avenues, and highways, subject to the approval of the said Commissioners, without expense to the United States or the District of Columbia.

SEC. 7. That nothing in this act shall prevent the District of Columbia, at any time, at its option, from altering the grade or otherwise improving all avenues and streets and highways occupied by said road, or from so altering or improving such streets and avenues and highways, and the sewerage thereof, as may be under its authority and control; and in such event it shall be the duty of said company to change its railroad so as to conform to such grade as may have been thus established.

SEC. 8. That it shall be lawful for said corporation, its successors, or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid, subject to the approval of the said Commissioners. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground constructions shall be borne by the said railway company.

SEC. 9. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house and all other buildings necessary for the successful operation of a cable motor, electric, pneumatic, or other railroad.

SEC. 10. That it shall not be lawful for said corporation, its successors, or assigns, to propel its cars over said railroad, or any part thereof, at a rate of speed exceeding that which may be fixed from time to time by the said Commissioners, and for each violation of this provision said grantees, their successors, or assigns, as the case may be, shall be subject to a penalty of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

SEC. 11. That the line of said railway company, from the point of beginning herein named to a point at or near the intersection of Rhode Island avenue extended and the northeast boundary of the District of Columbia, shall be commenced within six months and completed within twenty-four months from the passage of this act.

SEC. 12. That the said company is hereby authorized to issue its capital stock to the amount of the actual cost of

construction, equipment, and purchase of right of way and ground necessary for its proper working, and not to exceed in all the sum of two hundred thousand dollars. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed by them, as follows, namely: Ten per centum at the time of subscribing, and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing as hereinbefore provided, and no assessment exceeding ten per centum to be made at any one time; but at least fifty per centum of the entire stock subscribed shall be paid within six months from the date of subscription, and the whole amount shall be paid within two years from said date; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

Meeting of incorporators (sec. 13 amended).

Payment of subscriptions.

Meeting of stockholders.

SEC. 13. That within thirty days after the passage of this act corporators named in the first section, their associates, successors, or assigns, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company, and for the receiving subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay at the time of subscribing, ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money, or certified checks from any established bank. And when the books of subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the

address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy: *Provided*, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered, and any such consolidation shall of itself operate as a forfeiture of this charter. And it shall be unlawful for the franchise hereby granted to be sold or transferred to any individual or corporation before the road shall have been constructed or equipped for business.

Consolidation forbidden.

SEC. 14. That the said company shall place first-class cars on said railway, with all modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require; the time table or schedule of time to be approved by the said Commissioners of the District of Columbia.

Equipment.

SEC. 15. That the company shall buy, lease, or construct such passenger rooms, ticket offices, workshops, depots, lands, and buildings as they may deem necessary, at such points on its line as may be approved by the said Commissioners.

Passenger rooms, etc. (sec. 15 amended).

SEC. 16. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Articles left in cars.

SEC. 17. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and treasurer, who shall give bond with surety to said company in such sum as the said directors may require for the faithful discharge of his trust. In case of a vacancy in the board of directors by the death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

Directors.

Officers.

SEC. 18. That the directors shall have the power to make and prescribe such by-laws, rules and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

By-laws.

SEC. 19. That there shall be at least an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe;

Annual meeting.

and said directors shall annually make report in writing of their doings to the stockholders.

Free use of roadway.

SEC. 20. That the said company shall have at all times the free and uninterrupted use of its roadway, and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars to the District of Columbia, to be recovered as other fines and penalties in said District, and shall remain liable to the said company, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Crossings.

SEC. 21. That the said Maryland and Washington Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt travel of such other railways in such construction.

Ejection from cars.

SEC. 22. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Amendment.

SEC. 23. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Sec. 24 amended.

SEC. 24. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding fifty feet in width, with necessary slopes, and one hundred and thirty feet in width in the line of Rhode Island avenue extended, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes: *Provided*, That the extension of Rhode Island avenue herein authorized, whether acquired by condemnation or otherwise, shall be dedicated to the public use in the same manner and subject to the same regulations and control that apply to other streets and avenues in the District of Columbia occupied by street railways.

Extension of Rhode Island avenue.

Approved, August 1, 1892.

JOINT RESOLUTION To extend the charter of the Maryland and Washington Railway Company. August 23, 1894. Stats. 23, p. 590.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for building and completing the railway provided for in an Act entitled "An Act to incorporate the Maryland and Washington Railway Company," approved August first, eighteen hundred and ninety-two, be, and the same is hereby, extended six months from and after the first day of August, eighteen hundred and ninety-four. Charter extended.

Approved, August 23, 1894.

AN ACT To amend an act entitled "An act to incorporate the Maryland and Washington Railway Company," approved August first, eighteen hundred and ninety-two, and for other purposes. March 2, 1895. Stats. 23, p. 713.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five of the Act entitled "An Act to incorporate the Maryland and Washington Railway Company," approved August first, eighteen hundred and ninety-two, be, and it is hereby, amended so as to read as follows: Maryland and Washington Ry. Co., charter amended.

"Sec. 5. That the said railway shall be constructed of good materials and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the Commissioners of said District, laid upon an even surface with the pavement of the street, and the gauge to correspond with that of other railways in the District of Columbia. Wherever more than one of the tracks of said railway company shall be constructed in any of the public highways in the District of Columbia, the width of the space between the two tracks shall not be less than five feet. The plans of construction, rails, electrical and mechanical appliances, conduits and stations, and location of stations and tracks shall be subject to the approval of the Commissioners of the District of Columbia."

Construction.

That section eight of said Act be, and is hereby, amended so as to read as follows:

SEC. 8. That it shall be lawful for said corporation, its successors or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railway in the manner and by the means aforesaid, subject to the approval of the said Commissioners. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground constructions shall be borne by the said railway company. And the said company

Space between tracks.

Trenches, etc.

shall be liable for any damage to pipes or other underground constructions, caused by the passage of its cars over the same or by electric currents used in the propulsion of its cars.

That section thirteen of said Act be, and it is hereby, amended to read as follows:

Organization of company.

Subscription to stock.

To be wholly paid in within one year.

Stock not to be voted unless paid for.

Stock shall be wholly paid in before bonds are issued.

Meeting of corporators.

Buildings, passenger houses, etc.

"SEC. 13. That within thirty days after the passage of this Act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or if any refuse or neglect to act then a majority of the remainder, shall meet at some convenient and accessible place, in the District of Columbia, for the organization of said company, and for the receiving subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided*, That the full face value of said stock shall be wholly paid for in cash within twelve months after the subscription therefor is made, and after twelve months no stock shall be voted unless the same has been wholly paid for: *And provided*, That the said stock shall be wholly paid for before any bonds shall be issued: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money, or certified checks from any established bank. And when the books of subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given by person or by proxy."

That section fifteen of said Act be, and is hereby, amended so as to read as follows:

"SEC. 15. That the said company is authorized to erect and maintain, subject to the approval of the Commissioners of the District of Columbia, the power houses and buildings necessary to the operation of its road, and shall furnish and maintain, as required by said Commissioners, passenger houses and transfer stations; failure to furnish and maintain such passenger houses and transfer stations shall render said company liable to a fine of twenty-five dollars for each and every day of such failure, after reasonable notice, said fine to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia."

That section twenty-four of said Act be, and is hereby, amended so as to read as follows:

"SEC. 24. That in the event that Rhode Island avenue shall not have been extended, and said company shall not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass for the purchase or dedication of so much land as may be necessary for the opening of Rhode Island avenue, then the said company may institute proceedings for the condemnation of so much land as may be required for the extension of the aforesaid avenue: *Provided*, That the strip of land so to be acquired by condemnation shall be one hundred and thirty feet in width, and shall be located according to the official plats for the extension of Rhode Island avenue: *And provided further*, That all the land within the lines of the proposed extension of Rhode Island avenue which shall be acquired by said Maryland and Washington Railway Company, either by purchase or condemnation, shall, by appropriate conveyance, be dedicated, before tracks are laid therein, by said Maryland and Washington Railway Company as an extension of Rhode Island avenue to the extent of the land so acquired.

"Such proceedings may be instituted and conducted by the company in the supreme court of the District of Columbia, holding a special term as a district court, and shall be commenced by a petition of the company for the condemnation of such land as has not yet been purchased or dedicated and for the ascertainment of just compensation for the taking of such land for the purposes aforesaid.

"Such petition shall contain a particular description of the property not so purchased or dedicated and selected for the use aforesaid, with the names of the respective owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land proposed to be taken; and thereupon the said court is authorized and required to summon all such owners and all other persons interested to appear in said court at a time to be fixed by said court. If it shall appear to the court that there are any owners or other persons interested who are nonresidents of the District of Columbia publication may be substituted for personal service of process upon such nonresident, after any summons has been returned 'not to be found,' in the same manner as is provided by law with reference to nonresident defendants in actions of ejectment; and if it shall appear that there are any persons under disability, either who have been served with process or who have been proceeded against by publication, the court shall appoint a guardian ad litem for such persons.

"After all the parties interested have been served with process or proceeded against by publication, as aforesaid, the court shall, upon the return day stated in said process or order of publication, proceed to appoint three competent and disinterested persons commissioners to appraise

Opening Rhode Island ave.

Dedication.

Condemnation proceedings.

Contents of petition.

Appraisers to be appointed by court.

the damages which the owner of the land taken may sustain by such appropriation. The commissioners shall be duly sworn, and they shall consider the damages which such owner may sustain by reason of the appropriation by such railway company of the land proposed to be taken for the purposes aforesaid, and shall forthwith return their assessment of such damages to the clerk of the court.

Benefits to be considered.

Payment awards.

Appeal from decision of court.

"That when the use of a part of any parcel or tract of land shall be condemned in such proceedings the commissioners in assessing the damages therefor shall take into consideration the benefit of the purpose for which it is taken may be to the owner or owners of such tract or parcel by enhancing the value of the remainder of the same and shall make their award accordingly, and the court may require in such case that the damages and benefits shall be found and stated separately, and when the award shall have been confirmed by the court said company, unless an appeal is taken, shall make a payment of the amounts awarded to the respective owners thereof, according to the judgment of the court; and in case any of such persons are under disability or can not be found, and no person is authorized to receive the said award, or in case any person entitled to an award shall neglect to receive the same, or in case an appeal shall be taken concerning an award, then the money to be paid on account of such award shall be deposited in the registry of the court to abide its further order; and when such payments are made or the amounts belonging to persons to whom payments shall not so be made for any of the aforesaid reasons are so deposited, the use of said land shall be deemed to have been condemned and taken for the use of said railway company, and no appellate proceedings or controversies as to ownership shall interfere with or delay said company in taking possession of the land so condemned after payment therefor as above provided; but when any award shall have been approved by the said court holding a special term as aforesaid, the said company shall be entitled to take immediate possession of the parcel of land, in regard to which said award has been approved and payment or deposit made, and the court shall enforce such right of possession by proper order and process addressed to the marshal of the United States for the District of Columbia. Any party aggrieved by the final order or decree of said court, in special term aforesaid, fixing the amount of damages as to any parcel of land may take an appeal therefrom to the court of appeals of the District of Columbia in the manner now provided by law. And said court of appeals may affirm, reverse, or modify the order or decree appealed from: *Provided*, That said court of appeals shall consider only questions of law arising on such appeal. From the final decree of said court, in special terms as aforesaid under this Act, distributing the damages among contending claimants, any party aggrieved may, in like manner, take an appeal to said court of appeals. Any appeal under this Act shall be taken within twenty days after the making of the final order or

decree appealed from, and not afterwards, and shall be subject to existing laws and rules of court regulating appeals to said court of appeals. Cases arising under this Act shall have precedence over all other business in said court, in special term, and shall have precedence in said court of appeals over all other cases, except criminal cases; and the decision of said court of appeals upon any questions arising under this Act shall be final." These cases given precedence.

SEC. 2. That for the purpose of constructing and equipping its said railway, and acquiring rights of way as provided for in this Act, the said Maryland and Washington Railway Company is hereby authorized and empowered to issue its bonds to aid in paying for such construction and equipments and rights of way, and secure the said bonds by mortgage or deed of trust of its franchises, rights of way, and all of its property of whatsoever kind, whether real or personal: *Provided*, That the moneys raised on said bonds shall be used and expended only for the purposes aforesaid: *And provided further*, That the amount of said bonds and stock shall not exceed the cost of the construction of the said road and of the plant necessary to operate the same; and in no case shall the amount of stock and bonds so issued exceed the sum of four hundred and fifty thousand dollars. Bonds authorized.

SEC. 3. That the line of said railway company, from the point of beginning herein named to a point at or near the intersection of Rhode Island avenue extended and the northeast boundary of the District of Columbia, shall be commenced within six months and completed within twelve months from the date of approval of this Act; and the said Maryland and Washington Railway Company is hereby authorized to construct and lay down a single or double track railway, and to operate the same as provided in the Act incorporating said company, westerly along Rhode Island avenue to North Capitol street, to connect with the tracks of the Eckington and Soldiers' Home Railway Company, and thence southerly on said street over the tracks of said last-mentioned company to F street; the price for the use or purchase of said tracks to be fixed by the board of directors of said companies, and on their failure to agree as to the price it shall be fixed by the supreme court of the District of Columbia, upon petition to be filed on the equity side of said court by either company. The said extension shall be completed within the time hereinbefore provided for with reference to the original line of said railway: *Provided*, That nothing in this Act shall operate to authorize the erection of overhead wires within the limits of the city of Washington. Commencement and completion.

SEC. 4. That all Acts or parts of Acts inconsistent with this Act are hereby repealed. Extension of route.

SEC. 5. That Congress hereby reserves the right at any time to alter or amend or repeal this Act. Route in city.

Approved, March 2, 1895. No overhead wires in city.

Amendment; repeal.

February 20, 1896. AN ACT Extending the time within which the Maryland and Washington Railway Company shall be required to complete the building of the road of said company, under the provisions of an act of Congress approved August first, eighteen hundred and ninety-two, as amended by an act of Congress approved March second, eighteen hundred and ninety-five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the Maryland and Washington Railway Company is required to complete and put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved August first, eighteen hundred and ninety-two, as amended by an Act approved March second, eighteen hundred and ninety-five, be, and the same is hereby, extended for the term of one year from the second day of March, eighteen hundred and ninety-six; and that all the franchises, rights, and powers conferred by said Acts, or either of them, upon said railway company may be enjoyed and exercised as fully and completely as if said railway had been completed and put in operation prior to March second, eighteen hundred and ninety-six.

Approved, February 20, 1896.

June 27, 1898. AN ACT To amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Eckington and Soldiers' Home Railway Company of the District of Columbia be, and it is hereby, authorized to purchase or lease the property and franchises or any part thereof, of the Maryland and Washington Railway Company of the District of Columbia and that part of the property and franchises of the Columbia and Maryland Railway Company of Maryland lying between the District line and the town of Laurel, Maryland, and the Maryland and Washington Railway Company is hereby authorized to sell or lease its property and franchises to the said Eckington and Soldiers' Home Railway Company: *Provided*, That only one fare, not exceeding the rate now authorized by law, shall be charged for a single continuous ride over all the lines in the District of Columbia affected by such purchase or lease.

May sell franchises to Eckington and Soldiers' Home Ry. Co. Fare.

SEC. 2. That the said Eckington and Soldiers' Home Railway Company, under the supervision of the Commissioners of the District of Columbia, shall fully equip all its lines now owned and operated within the city of Washington and also the North Capitol street line from the intersection of G street north and New Jersey avenue to T street north with an underground electric system essentially similar to the underground system now in use by the Metropolitan Railroad Company in said city, upon plans

to be submitted to and approved by the said Commissioners, and shall have its cars regularly running by said system within twelve months from the passage of this Act: *Provided*, That nothing herein contained shall be construed as authorizing or permitting said company to use their conduits or cables or electrical conductors of any character whatever for the purpose of electric lighting or power, except such as may be necessary for the lighting and propelling of the cars and other machinery of such road and the power house of said company, or other property owned or acquired by said company adjacent to the lines of the road and necessary for the operation of said road: *Provided, however*, That the Commissioners of the District of Columbia are hereby authorized to permit street railway companies using the underground electric system to construct conduits not exceeding five blocks in length to connect their existing conduits for the purpose of conveying electric current to be used for street railway purposes only: *And provided further*, That before permits shall be issued to begin such work all taxes and special assessments due and unpaid to the District of Columbia, and all indebtedness due the employees for labor, or due others for coal, feed, horseshoes, and other supplies, contracted for by the receiver of the said Eckington and Soldiers' Home Railway, duly appointed by the court, and used on behalf and for the benefit of said company, during such receivership, and to be approved by the court appointing such receiver, shall first be paid: *Provided*, That in case of any lines purchased or leased by said Eckington and Soldiers' Home Railway Company, such lines within the city of Washington shall be fully equipped with said underground electric system within twelve months from the completion of such purchase or lease, and the North Capitol street branch shall be completed with the underground system to the Soldiers' Home within twelve months from the opening and grading of said street.

SEC. 3. That the route of the Eckington and Soldiers' Home Railway Company shall be as at present, with the following changes, to wit: Between the intersections of T and Third streets northeast and R and Second streets northeast one track shall be abandoned, and in lieu thereof a single track shall be constructed between the same points on T and Second streets northeast; between the intersections of Eckington place and Florida avenue and New York avenue and First street northeast both tracks shall be abandoned, and in lieu thereof a double track shall be constructed between these two points, crossing Florida avenue and on First street; between the intersections of New York avenue and Fifth street and Fifth street and G street northwest, the roadway shall be widened to a width of forty-five feet, one-half at the expense of said company, and one-half at the expense of any District of Columbia appropriation available for such work; a single track between First and C streets and Fourth and D streets north-

east shall be abandoned, and in lieu thereof a single track shall be constructed on D and First streets northeast, between these points: *Provided further*, That the abandoned tracks shall be removed, and the single tracks, with all the necessary switches, turn-outs, and so forth, shall be located subject to the approval of the Commissioners of the District of Columbia.

SEC. 4. That the said Eckington and Soldiers' Home Railway Company is hereby authorized to issue its capital stock and its bonds to an aggregate amount sufficient to cover the cost of the property and franchises whose purchase or lease is herein provided for and the cost of the construction, equipment, and reequipment of the railway lines now owned by the said Eckington and Soldiers' Home Railway Company or hereafter to be acquired by said company, and to secure said bonds by mortgage or deed of trust of any part or all of its property and franchises, as now owned or hereafter to be acquired under the provisions of this Act or otherwise: *Provided*, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company: *And provided further*, That the issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment aforesaid, and the total outstanding bonds and stock shall in no event exceed the sum of one hundred and fifty thousand dollars per mile of single track.

SEC. 5. That within sixty days from the date of the approval of this Act the Eckington and Soldiers' Home Railway Company shall deposit five thousand dollars with the collector of taxes of the District of Columbia to guarantee the construction, equipment, and reequipment of its lines, as authorized and prescribed by this Act. If said sum is not so deposited, then this Act shall be void. If said sum is so deposited and the said lines are not reconstructed, equipped, and reequipped as herein provided for, then said sum of five thousand dollars shall be forfeited to the District of Columbia, and this Act shall be void.

Power to condemn extended to Eckington and Soldiers' Home Ry.

SEC. 6. That the power to institute condemnation proceedings conferred upon the Maryland and Washington Railway Company by section twenty-four of the joint resolution entitled "A joint resolution to extend the charter of the Maryland and Washington Railway Company," approved August twenty-third, eighteen hundred and ninety-four, be, and the same is hereby, continued in force one year from the passage of this Act.

SEC. 7. That on and after twelve months from the passage of this Act the Eckington and Soldiers' Home Railway Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by the said Eckington and Soldiers' Home Railway Company, the

sum of fifty dollars for each and every day thereafter until said road shall be completed.

SEC. 8. That nothing herein shall be construed to relieve any of the corporations herein mentioned from any just liability nor to in any manner affect any valid subsisting claim of any creditor against said corporations, or either of them.

SEC. 9. That the Eckington and Soldiers' Home Railway Company is hereby authorized to change its name to City and Suburban Railway of Washington by a majority vote of its stockholders, such change to become operative when a certificate of the action of the stockholders shall have been recorded in the office of the recorder of deeds of the District of Columbia; such certificate to be signed by the president, attested by the secretary, and the corporate seal to be attached thereto.

SEC. 10. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 27, 1898.

METROPOLITAN RAILROAD COMPANY (EMBRACING THE CONNECTICUT AVENUE AND PARK RAILWAY COMPANY, THE UNION RAILROAD COMPANY, AND THE BOUNDARY AND SILVER SPRINGS RAILWAY COMPANY).

AN ACT to incorporate the "Metropolitan Railroad Company" in the District of Columbia. July 1, 1864.
Stats. 13, p. 326.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Alexander R. Shepherd, Richard Wallach, Lewis Clephane, Samuel P. Brown, Nathaniel Wilson, Franklin Tenney, Matthew G. Emery, Samuel Fowler, John Little, J. C. McKelden, Sayles J. Bowen, John H. Semmes, D. C. Forney, William W. Rapley, Wm. G. Moore, Thomas Lewis, John B. Keasby, and Charles H. Nichols, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the "Metropolitan Railroad Company," with authority to construct and lay down a double-track railway, with the necessary switches and turn-outs, in the city of Washington, in the District of Columbia, through and along the following avenues and streets: Commencing at the junction of A street north and New Jersey avenue, at the north side of the Capitol; along the east side of New Jersey avenue to D street north; along D street north, and along C street north and Indiana avenue to the intersection of D street north with Indiana avenue; along Indiana avenue, D street north, and Louisiana avenue to Fifth street west; along Fifth street west to F street north; along F street north to Fourteenth street west; along Fourteenth street west to I street north; along I street north, across Pennsylvania avenue, to the junction of New Hampshire avenue and Twenty-third street west; thence along New Hampshire avenue to the Circle. Also, a double or single track branch railway, commencing at the intersection of D street north and New Jersey avenue; along New Jersey avenue to Massachusetts avenue; along Massachusetts avenue to H street north; along H street north to Seventeenth street west, intersecting the double-track road. Also, a double or single track road from the intersection of Fifteenth street west and I street north, connecting with the double-track road at Fifteenth street west; along I street north to New York avenue; along New York avenue to Ninth street west; along Ninth street west to the Washington canal; with the privilege of extending the said branch road at any time along Ninth street west to M street north, along M street north to Twelfth

Metropolitan
Railroad Com-
pany incorpora-
ted (amended).

Route (amend-
ed).

street west, and along Twelfth street west to the Washington canal and Maryland avenue to the Potomac river, with the right to run public carriages thereon drawn by horse power, receiving therefor a rate of fare not exceeding five cents per passenger, for any distance between the termini of either of the said main railway, or between the termini of either of said branch railways, or between either terminus of said main railway and the terminus of either of said branch railways: *Provided*, That the use and maintenance of the said road shall be subject to the municipal regulations of the city of Washington within its corporate limits.

Motive power (changed).^a Fare.

Subject to municipal regulations.

Taxation. License for cars.

SEC. 2. *And be it further enacted*, That the said roads shall be deemed real estate, and they, together with other real property and personal property of said body corporate, shall be liable to taxation, as other real estate and personal property, and to license for their vehicles or cars in the cities aforesaid, except as hereinafter provided, and that all other corporations in the District of Columbia heretofore organized for like purposes shall be subject to pay license, as provided in this section.

Construction.

SEC. 3. *And be it further enacted*, That the said railway shall be laid in the centre of the avenues and streets, (excepting New Jersey avenue, and there it shall be laid as hereinbefore provided for,) as near as may be, without interfering with or passing over the water or gas pipes, in the most approved manner adapted for street railways, with rails of the most approved patterns, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets; and the space between the two tracks shall not be less than four feet, nor more than six feet; and the carriages shall not be less than six feet in width, the *gauge* [gauge] to correspond with that of the Baltimore and Ohio Railroad.

Paving.

SEC. 4. *And be it further enacted*, That the said corporation hereby created shall be bound to keep said tracks, and for the space of two feet beyond the outer rail thereof, and also the space between the tracks, at all times well paved and in good order, without expense to the United States or to the city of Washington.

Grade may be changed.

SEC. 5. *And be it further enacted*, That nothing in this act shall prevent the Government at any time, at their option, from altering the grade or otherwise improving all avenues and streets occupied by said road, or the city of Washington from so altering or improving such streets and avenues and the sewerage thereof as may be under their respective authority and control; and in such event it shall be the duty of said company to change their said railroad so as to conform to such grade and pavement.

Amendment.

SEC. 6. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

^a See act of Congress, approved Aug. 2, 1894.

SEC. 7. *And be it further enacted*, That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token, device, scrip, or other evidence of debt to be used as a currency. May not issue notes, etc., as currency.

Capital stock.

SEC. 8. *And be it further enacted*, That the capital stock of said company shall not be less than two nor more than five hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.

Cars.

Schedule.

SEC. 9. *And be it further enacted*, That the said company shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon during the day as often as every four minutes on the route from the Capitol, via the Baltimore and Ohio Railroad depot and departments, to the Circle; and on the other routes once in fifteen minutes each way, and until twelve o'clock at night as often as every half hour; and throughout the day and night as much oftener as public convenience may require.

Passenger rooms, etc.

Connection with depots and stables.

SEC. 10. *And be it further enacted*, That said company shall procure such passenger rooms, ticket offices, stables, and depots at such points as the business of the railroad and the convenience of the public may require. And the said company is hereby authorized to lay such rails through transverse or other streets as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks. And the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above mentioned.

Articles left in cars.

SEC. 11. *And be it further enacted*, That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to their principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Books of subscription to be opened.

Subscribers shall be stockholders.

SEC. 12. *And be it further enacted*, That, within five days after the passage of this act, the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the city of Washington, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days, (unless the whole stock shall be sooner subscribed for,) and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened. And subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing twenty-five per centum of the amount by him

Payment at time of subscribing. subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the twenty-five per centum at the time of subscribing except money: *Provided further*, That no person shall be allowed to subscribe for more than fifteen thousand dollars. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation. And in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Limit of subscription. SEC. 13. *And be it further enacted*, That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, and till others are duly elected and qualified to take their places as directors. And the said directors (a majority of whom, the president being one, shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall give bonds with surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

Directors. Officers. SEC. 14. *And be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter, or to the laws of the United States and the ordinances of the city of Washington: *Provided*, That there shall be no regulation excluding any person from any car on account of color.

By-laws. SEC. 15. *And be it further enacted*, That there shall be an annual meeting of the stockholders, for choice of directors, to be holden at such time and place, under such conditions, and upon such notice, as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

Annual meeting. Free use of roadway. SEC. 16. *And be it further enacted*, That the said company shall have at all times the free and uninterrupted use of the roadway. And if any person or persons shall willfully and unnecessarily obstruct or impede the passage on or over said railway, or any part thereof, or shall injure

or destroy the cars, depot stations, or any property belonging to said railway company, the person or persons so offending shall forfeit and pay for every such offence the sum of five dollars, to be recovered and disposed of as other fines and penalties in said cities, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid; but no suit shall be brought unless commenced within sixty days after such offence shall have been committed.

SEC. 17. *And be it further enacted*, That unless said corporation shall make and complete their said railways between the Capitol and Seventeenth street west within four months after the company shall have been organized, and the railways on the other routes herein described within one year after the company shall have been organized, then this act shall be null and void, and no rights whatever shall be acquired under it.

SEC. 18. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with any of the provisions of this act, [are], for the purposes of this act, hereby repealed, so far as the same are inconsistent therewith.

SEC. 19. *And be it further enacted*, That each of the stockholders in the Metropolitan Railroad Company shall be individually liable for all the debts and liabilities of said company, to an amount equal to the amount of stock held by such stockholders.

SEC. 20. *And be further enacted*, That the said railroad company shall keep in good repair and in clean condition the flagstones or cross-walks leading to, upon, and over their tracks at the crossings of the several streets, which intersect their railroad, removing therefrom snow and ice, as well as mud, dirt, or other annoyance; and shall further, whenever necessary to render such crossings dry and convenient, raise or elevate the same sufficiently for that purpose, and shall adjust the adjoining pavement so as to make it convenient for carriages to pass said crossings.

SEC. 21. *And be it further enacted*, That for each and every violation of the foregoing provisions the said company shall forfeit and pay a sum not less than five dollars and not more than one hundred dollars, which may be recovered, with costs of suit, on complaint of any person aggrieved, in any court of competent jurisdiction in the District of Columbia. Such action may be prosecuted in the name of the city of Washington, and one-half of the penalties recovered shall be for the use of the city of Washington, and the other half for the use of the complainant: *Provided, however*, That any party complainant shall, before commencing such action, file with the Clerk of the Supreme Court of the District of Columbia a bond to be approved by the clerk of the said court, with at least one surety, to be approved by said clerk, and in a penalty of one hundred dollars, conditioned that the complainant shall well and truly save harmless, and indemnify the said city against

the payment of all costs and charges which shall be recovered against said city by reason of the failure of the complainant to prosecute or maintain his said complaint.

Annual report. Sec. 22. *And be it further enacted*, That the said railroad company shall, by the fifteenth day of January, after the completion of said road, and annually on or before that day thereafter, transmit to Congress a full report of the affairs, business, and condition of the said company for the year terminating December thirty-one preceding such report, and such report shall be signed and sworn to by the president and treasurer of the company, or by a majority of the directors, and shall specify the following items: First, Capital stock fixed by charter. Second, Capital stock subscribed and actually paid in in cash. Third, Dividends made to stockholders on the capital stock of the company, and when made. Fourth, Total capital stock at the termination of the previous year. Fifth, Funded debt of the company, and in what way secured. Sixth, Floating debt of the company. Seventh, Total indebtedness of the company exclusive of capital. Cost of road. Eighth, Total cost of rails, chains, spikes, and other iron used in construction. Ninth, Total cost of ties, stringers, and other wood or timber used in construction. Tenth, Cost of paving-stone, gravel, and other material used in construction not above enumerated. Eleventh, Cost of labor in the construction of the road. Twelfth, Cost of engineering and salaries paid to officers and agents of the company, and discount of interest paid on loans. Thirteenth, Amount expended in repairs of road. Cost of equipment. Fourteenth, Number and cost of cars. Fifteenth, Number of horses or mules used in the service of the road, and cost. Sixteenth, Cost of harness and other appointments. Seventeenth, Cost of tools and fixtures, including furniture of offices. Eighteenth, Cost of real estate and improvements thereon by the company. Characteristics. Nineteenth, Total length of roads, measured at single track, including switches and turn-outs. Twentieth, Weight and character of rail. Twenty-first, Number of passengers carried during the year. Twenty-second, Average number of passengers per trip. Income. Twenty-third, Total receipts from passengers. Twenty-fourth, Total receipts from other sources, and what sources. Expenses of operation and maintenance of road. Twenty-fifth, Amount of salaries paid to officers of the company. Twenty-sixth, Amount paid to employees, with the number each of clerks, conductors, drivers, station-keepers, and laborers. Twenty-seventh, Amount paid for taxes of all kinds, and insurance. Twenty-eighth, Amount paid for reconstruction of and repairs to track, turn-outs, and other structures. Miscellaneous. Twenty-ninth, Amount of dividends paid during the preceding year in cash, and dividends in stock to stockholders and percentage of each. Thirtieth, Increase of capital stock, if any, during the year. Thirty-first, Number of persons killed or

seriously injured on the road during the previous year, and the causes thereof.

Sec. 23. *And be it further enacted*, That it shall be the duty of said company, when said road is completed, to have prepared tickets for passage on their cars, and to keep them at their office for sale by the package of twenty-five or over at the rate of twenty-five for the dollar.

Approved, July 1, 1864.

AN ACT To amend an act entitled "An act to incorporate the Metropolitan Railroad Company in the District of Columbia."

Sale of tickets.

March 3, 1865.
Stats. 13, p. 536.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That an act entitled "An act to incorporate the Metropolitan Railroad Company in the District of Columbia," approved July first, eighteen hundred and sixty-four, be, and the same hereby is, amended as hereinafter set forth, namely, that the first section be, and hereby is, amended by striking out all after the words "along H street north to Seventeenth street west, intersecting the double-track road," and inserting: also a double or single-track railway, commencing at the intersection of D street north and Four-and-a-half street west, along Four-and-a-half street west to the gate of the Arsenal; also a double or single-track branch railway commencing at the intersection of Ninth street west and the Washington canal, along Ninth street west to M street north, along M street north to Twelfth street west, along Twelfth street west to the Washington canal and Maryland avenue to the Potomac River; also a double or single-track branch railway, commencing at the intersection of Massachusetts avenue and K street north, along Massachusetts avenue to K street north, along K street north to the Circle, with the privilege of extending the said branch road at any time along K street north to Rock creek, across the bridge over Rock creek to Water street, Georgetown, along Water street in Georgetown to Green street, along Green street to Gay street, and along Gay street and First street to Fayette street, Georgetown, with the privilege of extending at any time the road now in operation from Seventeenth street west to the Capitol, from the present terminus of said road on A street north, along A street north to first street east, along first street east to East Capitol street, along East Capitol street to Ninth street east, along Ninth street east to L street south, with the right to run public carriages thereon, drawn by horse power, receiving therefor a rate of fare not exceeding eight cents per passenger, for any distance between the termini of either of said main railways or between the termini of said branch railways or between either terminus of said main railway, and the terminus of either of said branch railways: *Provided*, That the use and maintenance of the said road shall be subject

Metropolitan
R. R. Co. charter
amended.

Route changed.

Rates of fare.

Subject to municipal regulations.

to the municipal regulations of the city of Washington within its corporate limits.

Stock increased. SEC. 2. *And be it further enacted*, That section eight be, and hereby is, amended by striking out the words "five hundred thousand dollars," and inserting the words "one million dollars:" *Provided*, That the directors of said Metropolitan Railroad Company shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed at such time, and such manner, and in such instalments, as they may deem proper; and if any stockholder shall refuse or neglect to pay any instalments, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of said stock as shall pay said instalments, (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due,) under such general regulations as may be adopted in the by-laws of said corporation, or may sue for and collect the same in any court of competent jurisdiction.

Time for completion. SEC. 3. *And be it further enacted*, That section seventeen be, and hereby is, so amended as to allow the said corporation three years from the date of the approval of this act in which to complete the railways herein described and those described in the act to which this is an amendment.

Tickets. SEC. 4. *And be it further enacted*, That the twenty-second section be, and hereby is, amended by striking out the words "at the rate of twenty-five for one dollar," and inserting the words "at the rate of sixteen for one dollar."

Exclusion from cars. SEC. 5. *And be it further enacted*, That the provision prohibiting any exclusion from any car on account of color, already applicable to the Metropolitan Railroad, is hereby extended to every other railroad in the District of Columbia.

Approved March 3, 1865.

Jan. 30, 1865. AN ACT To amend an act entitled "An act to incorporate the Metropolitan Railroad Company in the District of Columbia," approved July 1, 1864.

Metropolitan R. R. Co. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 17 of the act to incorporate the Metropolitan Railroad Company of the District of Columbia, approved July 1, 1864, be, and the same is hereby, amended so as to extend the time for the completion of their railroad line, except that part thereof between Seventeenth street and the Capitol, for one year from the passage of this act: *Provided, however*, That the line from Seventeenth street and the Capitol be completed, equipped, and running within thirty days from the passage of this act.

Approved January 30, 1865.

AN ACT Extending the time for the completion of certain street railways. March 2, 1867. Stats. 14, p. 440.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section seventeen of the act to incorporate the Metropolitan Railroad Company, in the District of Columbia, approved July 1, 1864, be, and the same is hereby, still further amended so as to extend the time for the completion of their railroad line, except that part thereof between Seventeenth street and the Capitol, for three years from the first day of January, 1866.

Approved March 2, 1867.

AN ACT Relating to the Metropolitan Railroad Company. March 3, 1869. Stats. 15, p. 339.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan Railroad Company, in the District of Columbia, be, and is hereby, allowed five years from and after the passage of this act for the completion of its lines of street railways, authorized by the acts of July first, eighteen hundred and sixty-four, and March third, eighteen hundred and sixty-five, anything contained in said act or any other acts to the contrary notwithstanding.

Approved March 3, 1869.

AN ACT To incorporate the Connecticut Avenue and Park Railway Company, in the District of Columbia. July 13, 1868. Stats. 15, p. 85.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Augustus B. Stoughton, John Little, John L. Kidwell, George H. Plant, LeRoy Tuttle, G. W. Hopkins, R. M. Hall, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the Connecticut Avenue and Park Railway Company, with authority to construct and lay down a single or double track railway, with the necessary switches and turnouts, in the city of Washington, in the District of Columbia, through and along the following avenues, streets, and highways: Commencing at the intersection of Seventeenth street west and Pennsylvania avenue; along the west side of Seventeenth street to its intersection with H street north; thence along Seventeenth street west to its intersection with Connecticut avenue; thence along said avenue to Boundary street. Also, from the intersection of Boundary street and Connecticut avenue; along the county road from such intersection; thence on any road opened, or which may hereafter be opened, west of the Fourteenth-street road, to within or through the proposed public park, or to the county line of Washington County, with the right to run public carriages thereon drawn by horse power, receiving

- Fare.** therefor a rate of fare not exceeding six cents a passenger for any distance on said road: *Provided*, That should a majority of stockholders so elect, said road, after reaching the intersection of Boundary street and Connecticut avenue, instead of continuing from said intersection up the county road now opened, may be constructed along Boundary street in the direction of Meridian Hill to any county road opened, or which may hereafter be opened, west of Sixteenth street west, and thence along said county road by the most practicable route to the terminus near, at, in, or through the proposed park, as hereinbefore provided.
- Taxation.** SEC. 2. *And be it further enacted*, That said road shall be deemed real estate, and, together with other real and personal property of said body corporate, shall be liable to taxation as other real estate and personal property, and to license for their vehicles or cars in the city and county aforesaid, except as hereinafter provided.
- License for cars.** **Construction.** SEC. 3. *And be it further enacted*, That the said railway shall be laid in the centers of the avenue and streets in the city, (excepting Seventeenth street; there it shall be laid as hereinbefore provided for,) as near as may be without interfering with or passing over the water or gas pipes, in the most approved manner adapted for street railways, with rails of the most approved pattern, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets or avenues; and the space between the two tracks, when two are laid, shall not be less than four feet nor more than six feet, and the carriages shall not be less than six feet in width, the gauge to correspond with that of the Baltimore and Ohio Railroad. That the railway in the county shall be laid in such manner as will least interfere with the ordinary travel of the roads on which the said track shall be laid.
- (See footnote for gauge.)
- Paving.** SEC. 4. *And be it further enacted*, That the said corporation hereby created shall be bound to keep said tracks, and for a space of two feet beyond the outer rail thereof, and also the space between the tracks, at all times well paved and in good order, without expense to the United States, the city or county of Washington.
- Grade may be changed.** SEC. 5. *And be it further enacted*, That nothing in this act shall prevent the Government at any time, at their option, from altering the grades or otherwise improving all avenues and streets occupied by said road, or the city of Washington from so altering or improving such streets and avenues, and the sewerage thereof, as may be under their respective authority and control; and in such event it shall be the duty of said company to change their said railway so as to conform to such grade and pavement.
- Amendment.** SEC. 6. *And be it further enacted*, That this act may be at any time altered, amended, or repealed by the Congress of the United States.
- Issue of notes, etc., as currency, forbidden.** SEC. 7. *And be it further enacted*, That nothing in this act shall be so construed as to authorize said body corpo-

- rate to issue any note, token, device, scrip, or other evidence of debt to be used as currency.
- SEC. 8. *And be it further enacted*, That the capital stock of said company shall be not less than fifty thousand dollars, nor more than two hundred thousand dollars, and that the stock shall be divided into shares of twenty-five dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct. Capital stock.
- SEC. 9. *And be it further enacted*, That the said company shall place first-class cars on said railway, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon during the day as often as every ten minutes, between Pennsylvania Avenue and Boundary Street, and through the day and night on the entire road, or such portions as may be completed, as often as the public convenience may require. Cars.
- SEC. 10. *And be it further enacted*, That the said company shall procure such passenger rooms, ticket offices, stables, and depots, at such points as the business of the railroad and the convenience of the public may require. And said company is hereby authorized to lay such rails through transverse or other streets as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks. And the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above mentioned. Schedule.
- SEC. 11. *And be it further enacted*, That all articles of value that may be inadvertently left in any of the cars or vehicles of the said company shall be taken to their principal depot, and entered in a book of record of unclaimed goods, which said book shall be open to the inspection of the public at all reasonable hours of business. Passenger rooms, etc.
- SEC. 12. *And be it further enacted*, That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the city of Washington, from nine o'clock in the forenoon until three o'clock in the afternoon, for a period, to be fixed by said corporators, not less than two days, and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That no one individual shall be allowed to subscribe for more than one hundred shares of said stock: *Provided, further*, That every subscriber shall pay at the time of subscribing twenty-five percentum of the amount by him subscribed to Articles left in cars.
- Books of subscription to be opened.
- Subscribers to be stockholders.
- Payments.

the treasurer appointed by the corporators, or his subscription shall be null and void. If, at the end of two days, a larger amount than the capital stock of said company shall have been subscribed, the books shall be closed, and the said corporators named in the first section shall forthwith proceed to apportion said capital stock among the subscribers *pro rata*, and make public proclamation of the number of shares allotted to each, which shall be done and completed on the same day the books are closed: *Provided*, That nothing shall be received in payment of the twenty-five per centum at the time of subscribing except money. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and, in case any of them refuse or neglect to act, then a majority of the remainder, shall, within ten days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written or printed personal notice to each stockholder by the clerk of the corporation. And in all meetings of stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

First meeting of stockholders.

Directors.

Officers.

By-laws.

SEC. 13. *And be it further enacted*, That the government and direction of the affairs of the company shall be vested in a board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors. And the said directors (a majority of whom, the president being one, shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall give bonds with surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors, by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

SEC. 14. *And be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter, or to the laws of the United States and the ordinances of the city and county of Washington: *Provided*, That the directors of said corporation shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed at such time, after the first instalment, in such manner and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any instalments, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at

public auction, to the highest bidder, so many shares of said stock as shall pay said instalments, (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due,) under such general regulations as may be adopted in the by-laws of said corporation, or may sue for or collect the same in any court of competent jurisdiction.

SEC. 15. *And be it further enacted*, That there shall be an annual meeting of the stockholders, for choice of directors, to be holden at such time and place, under such conditions, and upon such notice, as the said company in their by-laws may prescribe; and said directors shall annually make a report, in writing, of their doings to Congress and the stockholders.

SEC. 16. *And be it further enacted*, That the mayor, council of said city, and the levy court of said county, and the several officers of these corporations, and the said corporations, are hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operations of said railway, as herein authorized.

SEC. 17. *And be it further enacted*, That the said company shall have at all times the free and uninterrupted use of the roadway. And if any person or persons shall wilfully and unnecessarily obstruct or impede the passage or destroy the cars, depot stations, or any other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offence the sum of ten dollars to said company, to be recovered and disposed of as other fines and penalties in said city or county; and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid; but no suit shall be brought unless commenced within sixty days after such offence shall have been committed.

SEC. 18. *And be it further enacted*, That unless said corporation shall make and complete their said railway or railways between Pennsylvania avenue and Boundary street within eight months after the company shall have been organized, then this act shall be null and void, and no rights whatsoever shall be acquired under it; and that the remainder of said road shall be completed within four years to its proposed terminus in the county of Washington.

SEC. 19. *And be it further enacted*, That there shall be no regulations excluding any person from any car on account of color.

SEC. 20. *And be it further enacted*, That each of the stockholders in the Connecticut Avenue and Park Railroad Company shall be individually liable for all the debt and liabilities of said company to an amount equal to the amount of stock held by such stockholder.

SEC. 21. *And be it further enacted*, That it shall be the duty of said company, when said road is completed between Pennsylvania avenue and Boundary street, to have prepared tickets for passengers on their cars, and to keep

Stock in arrears.

Annual meeting.

Report.

Construction and operation of road not to be hindered.

Free use of roadway.

Time for completion.

Exclusion from cars.

Liability of stockholders.

Tickets.

them at their office for sale by the package, at the rate of ten for fifty cents and twenty for one dollar.

SEC. 22. *And be it further enacted*, That all the provisions of the act incorporating the Washington and Georgetown Railroad Company, requiring reports of expenditures, earnings, and otherwise, shall be applicable to the company herein incorporated, which shall make reports as in said act required.

SEC. 23. *And be it further enacted*, That all acts and parts of acts heretofore passed, which are inconsistent with any of the provisions of this act, are, for the purposes of this act, hereby repealed, so far as the same are inconsistent herewith.

Passed the House of Representatives May 8th, 1868.

Attest: EDWARD M'PHERSON, *Clerk*.
By CLINTON LLOYD, *Chief Clerk*.

Passed as here written, with the exception of an amendment making the gauge of the road same as the Washington and Georgetown instead of the Baltimore and Ohio Railroad, as first drawn.

Approved, July 13, 1868.

Jan. 19, 1872.

Union Railroad Company.

Be it enacted by the Legislative Assembly of the District of Columbia, That Lewis Clephane, Hallet Kilbourn, Matthew G. Emery, A. P. Fardon, LeRoy Tuttle, George P. Fisher, Henry A. Willard, A. P. Brown, Riley A. Shinn, Samuel Fowler, Poulus Thyson, Thomas Lewis, John C. Parker, Robert C. Hewett, P. M. Plowman, H. O. Hoyt, and H. T. Wisewell, and their associates and assigns, are created a body corporate, under the name of the "Union Railroad Company," with authority to construct and lay down a single or double-track railway, with the necessary switches and turnouts, in the cities of Washington and Georgetown, in the District of Columbia, through and along the following avenues and streets: Commencing at the junction of Fifteenth street and New York avenue, along Fifteenth street to I street; along I street to Connecticut avenue; along Connecticut avenue to P street; along P street to and over the bridge crossing Rock creek at P street to West street, Georgetown; along West street to High street, and along High street to Second, Third, or Fourth street; along Second, Third, or Fourth street to Fayette or Warren street, with the privilege of passing through West street to Montgomery street, through Montgomery street to Stoddard street, through Stoddard street to High street; along High street to Second, Third, or Fourth street; along Second, Third, or Fourth street to Fayette; along Fayette

Route (amended.)

Union Railroad Company incorporated. (Absorbed by Metropolitan R. R. Co.)

street to its intersection with High street; along High street to the northern boundary-line of Georgetown; also with the privilege of connecting with the Metropolitan Railroad (by consent of said Railroad Company) at the corner of Seventeenth and H streets, and running up Seventeenth to Connecticut avenue; also a branch road, to be constructed and run at the same time and in the same manner as the main road, commencing at the intersection of Nineteenth street west and P street north, and running along said P street to Seventh street west; with the privilege of extending said branch road along P street to North Capitol street; along North Capitol street and the road leading therefrom to Glenwood Cemetery. And in case the company incorporated by this bill connect their road, hereby authorized, with the Metropolitan Railroad at Seventeenth and H streets, they shall not be compelled by any provisions of this Charter to construct that portion of the road hereby authorized between the intersection of Connecticut avenue and Seventeenth street, and New York avenue and Fifteenth street; with the right to run public carriages on the road hereby authorized, drawn by horse power, receiving therefor a rate of fare not exceeding five cents per passenger for any distance between the terminus of said railroad: *Provided*, That but a single track be laid on Fifteenth street, between I street and Pennsylvania avenue.

SEC. 2. *And be it further enacted*, That the said road shall be deemed real estate, and, together with the other real estate and personal property of said company, shall be liable to taxation as other real estate and personal property, and subject to license for their vehicles or cars in the cities aforesaid the same as other railroad companies heretofore organized for like purposes are.

SEC. 3. *And be it further enacted*, That the railway shall be laid in the center of the avenues and streets, unless otherwise directed by the Board of Public Works, and said company shall conform to the grade of the streets and avenues in laying rails thereon.

SEC. 4. *And be it further enacted*, That the company shall be bound to use the flat rail, similar to the one now used on Pennsylvania Avenue, to keep the streets between and for two feet on either side of its tracks paved and in good order, without expense to the District of Columbia, subject to the approval of the Board of Public Works; and nothing in this act shall prevent the grade of any street or avenue from being altered by the government of the District of Columbia at any time, and, in the event of a change of grade, the said railroad company shall change their track to conform therewith, at the expense of said company.

SEC. 5. *And be it further enacted*, That this act may be altered or amended by the Legislature of the District of Columbia at any time, and the said company is not authorized to issue any note, token, device, or scrip, or other evidence of debt to be used as currency.

Fare.

Taxation.

License for cars.

Construction.

Rails.

Amendment.

Stock.

SEC. 6. *And be it further enacted*, That the capital stock of said company shall not be less than fifty thousand dollars, nor more than one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.

Cars.

Schedule.

Passenger
rooms, etc.Connecting
tracks.

By-laws.

Exclusion
from cars.Books of sub-
scription.

SEC. 7. *And be it further enacted*, That the company shall place first-class cars on said railway for the convenience and comfort of passengers, and shall run cars thereon during day hours as often as every ten minutes, and during night hours, until twelve o'clock, as often as twenty minutes, and that the company shall procure such passenger rooms, ticket offices, stables, and depots, at such points as the business of the railroad and the convenience of the public may require; and the company is hereby authorized to lay such rails through transverse or other streets, not exceeding two squares, as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks, and the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above mentioned.

SEC. 8. *And be it further enacted*, That the directors shall have full power to make and prescribe such by-law, rule, and regulation as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company not contrary to the charter, or to the laws of the United States and the ordinances of the District of Columbia: *Provided*, That there shall be no regulation excluding any person from any car on account of color.

SEC. 9. *And be it further enacted*, That the incorporators of said road shall, within thirty days after the passage of this act, meet and organize, and open and keep open for two weeks books of subscription, at some place made known by advertisement in at least one daily paper published in the District of Columbia, to the capital stock of said company; and the said company shall organize and complete the line of said road within one year from the passage of this act.

Approved, January 19, 1872.

[Obsolete.]

Jan. 19, 1872. AN ACT To incorporate the Boundary and Silver Spring Railway Company of the District of Columbia.

Be it enacted by the Legislative Assembly of the District of Columbia, That Wm. Bell, Enos Ray, Sr., C. Osborn, Abner Shoemaker, Theodore Lay, F. Rohrer, B. T. Swart, J. Ford Thompson, Lewis Clephane, J. C. Lewis, William Thompson, M. Blair, Jno. B. Clagett, J. H. McChesney, D. B. Carpenter, M. G. Emery, Jno. Saul, O. O. Howard, G. W.

Balloch, Simon Wolf, P. May, John Angerman, John Baker Smith, Richard Wallach, S. L. Phillips, John Van Riswick, A. B. Olin, Charles Stewart, Henry Glick, John Widmeyer, L. H. Hall, Charles Eble, Edward Engles, Casper Kneesi, Frederick Hughes, George Walker, Hugo Kandler, Ernest Schmidt, Christian Xander, G. Gussler, Louis Byers, George Killian, A. Spooks, Jacob Hasner, Charles Ruppert, Joseph Flynn, Edward Fordan, V. S. Moulton, D. P. Hickling, Ira Hopkins, and S. H. Williams, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the Boundary and Silver Spring Railway Company, with authority to construct and lay down a single or double-track railway, with the necessary switches and turnouts, in the county of Washington, in the District of Columbia, along the following highway: Commencing at the point of intersection of Boundary street of Washington city and Rockville Turnpike, the same being a continuation of Seventh street west in the city of Washington, in said District; thence running northerly along the said highway to its intersection of boundary line of the District of Columbia and the State of Maryland, with the right to run public carriages or cars, to be drawn either by steam, dummy engines, or horse-power, receiving therefor a rate of fare not exceeding five cents a passenger for transportation to Rock Creek Church road, ten cents a passenger for transportation to Brightwood, and fifteen cents a passenger for transportation to the boundary of the District of Columbia: *Provided*, That steam power shall not be used on the said railway entering the city boundary.

SEC. 2. *And be it further enacted*, That the said railway shall be constructed in such manner as will least interfere with the ordinary travel of said road, and subject to the approval of the Board of Public Works for said District; and the said corporation shall be bound to keep said track, and for the space of two feet beyond the outer rail thereof, and also the space between the tracks, well graveled or paved, and in good order, without expense to the District of Columbia, so as not to impede the general travel on said road by vehicles or otherwise.

SEC. 3. *And be it further enacted*, That nothing in this act shall prevent the proper authorities from altering the grade or otherwise improving said highway, and in such event it shall be the duty of said company to change their said railway so as to conform to such grade; and if at any time such grade shall be changed for the benefit of said railway company any expenses that may be incurred by property-holders affected by such change of grade shall be borne by the said railway company.

SEC. 4. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Legislative Assembly of the District of Columbia, or by the Congress of the United States.

Stock.

SEC. 5. *And be it further enacted*, That the capital stock of said company shall not be less than fifty thousand dollars, or more than two hundred thousand dollars, and the stock shall be divided into shares of twenty-five dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.

Passenger rooms, etc.

SEC. 6. *And be it further enacted*, That the said company shall provide such passenger rooms, ticket office, stables, and depots as the business of the railroad and the convenience of the public may require; and said company is authorized to lay such rails through such other roads as may be necessary for the exclusive purpose of connecting the said stables and depots with the main track; and the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the purpose aforesaid.

Books of subscription to be opened.

SEC. 7. *And be it further enacted*, That within two months after the passage of this act the corporators named in the first section, or a majority of them, or, if any refuse to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place or places in the city of Washington, for the period of (to be fixed by said corporation) not less than two weeks; and said corporation shall give public notice, by advertisement in not less than two daily papers published in the city of Washington, of the time when and the place where said books shall be opened, and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of such subscribing twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void. If, at the end of two weeks, a larger amount than the capital stock of said company shall have been subscribed, the books shall be closed, and the said corporators named in the first section shall forthwith proceed to apportion said capital stock among the subscribers *pro rata*, and make public proclamation of the number of shares allotted to each, which shall be done and completed on the same day the books are closed: *Provided, further*, That nothing shall be received in payment of the twenty-five per centum, at the time of subscribing, except money. And when the books of subscription of the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, *may* [and] in case any of them refuse or neglect to act, then a majority of the remainder shall, within ten days thereafter, call the first meeting of the stockholders of the company, to meet within ten days thereafter, for the choice of seven directors, of which public notice shall be given for five days, in not less than two public newspapers published in the city of Washington. And in all meetings of stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

First meeting of stockholders.

SEC. 8. *And be it further enacted*, That the government and direction of the affairs of the company shall be vested in a board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors. And the said directors, a majority of them, the president being one, shall constitute a quorum, shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall file bonds with security to said company, in such sum as the said directors may require, for the faithful discharge of their trust. In case of a vacancy in the board of directors by death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

Board of directors.

Officers.

SEC. 9. *And be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper respecting the disposition and management of the stock, property, estate, and effects of the company, not contrary to this charter and the laws: *Provided*, That the directors of said corporation shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed at such time, (after the first instalment,) in such manner and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any instalments, as required by a resolution of the board of directors, after thirty days' notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said instalment, and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due, under such general regulations as may be adopted in the by-laws of said corporation, or said body corporate may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

By-laws.

SEC. 10. *And be it further enacted*, That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the Legislative Assembly of the District of Columbia.

Annual meeting.

SEC. 11. *And be it further enacted*, That the said company shall have at all times the free and uninterrupted use of their roadway: *Provided*, That one-half the said road shall be completed within one year from the passage of this act, and the entire road complete within two years, in default of which this act shall be made null and void.

Free use of roadway.

SEC. 12. *And be it further enacted*, That no person shall be prohibited the right of travel on any part of said road, or ejected from the cars thereof, for any other cause than that of being drunk, disorderly, unclean, contagiously diseased, refusing to pay the legal fare exacted, or to comply with the general regulations of the company.

Exclusion from cars.

Liability of stockholders.

SEC. 13. *And be it further enacted*, That each stockholder in said company shall be liable individually for all the debts and liabilities of said company to an amount equal to the amount of stock held by said stockholders.

Right to extend road.

SEC. 14. *And be it further enacted*, That, should a majority of the stockholders so elect, at any time within two years after the passage of this act, (provided for in section above,) the said company shall have the right to extend said road, either with single or double track, with the necessary switches and turn-outs, along the Rock Creek Church road, until it intersects with the Fourteenth Street road; thence southerly to Boundary Street; also along the new county road which intersects Fourteenth Street or Piney Branch road at or near Brown Springs; thence along Fourteenth Street road to and along Boundary Street.

Approved, January 19, 1872.

(Signed)

H. D. COOK, Gov.
CHAS. S. HULSE,
Speaker H. of Delegates.
WM. STICKNEY,
President of the Council.

May 18, 1872.
Stats. 17, p. 84.

Legislative, executive, and judicial appropriation act, 1873.

SEC. 12. That the Washington and Georgetown Railroad Company and the Metropolitan Railroad Company be, and they are hereby required to remove their tracks, respectively, from the Capitol grounds, as hereby established, and to run the same as they may be directed, from time to time, by the officer in charge of the public buildings and grounds, as the grading and filling up of said grounds may render necessary. That a commission, consisting of the Secretary of the Interior, the chief engineer of the army, and the officer in charge of public building and grounds, is hereby authorized and directed to examine and report to Congress, prior to the second Monday of December next, a plan by which the locomotive railroad track in front of western entrance of the Capitol shall be removed, with due regard to the rights of all parties concerned, and by which proper connections with other railroads may be made.

Approved, May 8, 1872.

March 3, 1875.
Stats. 18, p. 385.

Legislative, executive, and judicial appropriation act, 1876.

Met. R. R. Co.
Removal of tracks from Capitol Grounds.

* * * and further, that the Washington and Georgetown and the Metropolitan Railway Companies are directed to take up such portions of their tracks as may come in the way of the improvement of the Capitol Grounds and relay the same as may be directed by the officers in charge of the improvements of the Capitol Grounds. * * *

Approved, March 3, 1875.

District appropriation bill, 1891.

August 6, 1890.

Stats. 26, p. 310,

Met. R. R. Co.

SEC. 3. That any street railroad company in the District of Columbia authorized to run cars drawn by horses, which has changed or may change its motive power on any of its lines now constructed, to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth, under the oath of the President of said Company, and filed with the Commissioners of the District. And any company availing itself of the privileges herein granted shall within two years, wholly dispense with horses as motive power on all portions of its line and substitute therefor the power provided for in the act making appropriations for the expenses of the District of Columbia, approved March second, eighteen hundred and eighty-nine, or pneumatic or other modern motive power which shall be approved by the Commissioners of the District of Columbia, but nothing in this act contained shall in anywise authorize the use of overhead appliances: *Provided*, That if any such company operating a line or lines of street railroad from Georgetown or West Washington to and beyond the Capitol grounds shall fail to substitute for horse power the power herein provided for on all its lines within two years from the date of this act, such company shall forfeit its corporate franchise.

Approved, August 6, 1890.

Deficiency act, 1891.

March 3, 1891.

Stats. 26, p. 870.

Met. R. R. Co.

And the Metropolitan Railroad Company of the District of Columbia shall pay to the District of Columbia within eighteen months from the approval of this act the full amount of the judgment that was rendered against the said company by the supreme court of the District of Columbia at the suit of the said district, in cause numbered twenty-two thousand four hundred and fifty-eight, at law, on the dockets of said court, with the costs of said cause and interest on said amount from the date said judgment was rendered until paid, and that upon the failure of the said company so to pay said amount, costs, and interest within the time aforesaid the charter of said company shall become forfeit, and all its rights, privileges, and franchises as a body corporate shall cease and determine.

Approved, March 3, 1891.

July 22, 1892.

Joint resolution.

Stats. 27, p. 399.

Met. R. R. Co.
Time extended
for changing
motive power.

New cars.

Cars shall be
kept in good
condition.

Amendment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the street railroad companies availing themselves of the privileges granted by the act making appropriations to provide for the government of the District of Columbia, and approved August sixth, eighteen hundred and ninety, so far as it extends to the Metropolitan Railroad, is hereby extended for one year from the date of the passage of this act: Provided, That so fast as the cars now building are equipped with storage batteries they shall be placed on the road: And provided further, That pending the change the present equipment of the road shall be put, and kept and maintained in good condition; and any failure to comply with any of the foregoing requirements as to equipment shall render the said Metropolitan Railway Company liable to a fine of not exceeding twenty-five dollars for each day so in default, to be recovered by the Commissioners of the District of Columbia, as other fines are recovered in the District of Columbia.

SEC. 2. Congress reserves the right to alter, amend or repeal this act.

Approved, July 22, 1892.

July 28, 1892.

Deficiency bill, 1892.

Stats. 27, p. 290.

Met. R. R. Co.
required to re-
pair P street
bridge over Rock
Creek.

* * * * *

That the Metropolitan Railroad Company is hereby required to repair the bridge across Rock Creek at P street, in the District of Columbia, at a cost of not exceeding fifteen thousand dollars. Said repairs to make the bridge sufficiently strong to allow the passage of storage-battery cars of the said company, and to be made under the direction of the Engineer Commissioner of the District of Columbia, and in accordance with plans and specifications prepared by him.

* * * * *

Approved, July 28, 1892.

August 2, 1894. AN ACT To authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

Met. R. R. Co.
charter amend-
ed.New cars to be
provided.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan Railroad Company, incorporated under the Act of Congress approved the first day of July, anno Domini eighteen hundred and sixty-four, be, and the same is hereby, required to cease to use on its lines running east and west each and every closed car that has been in use on any of its lines for three years or more, and shall substitute therefor new cars of the most approved pattern. Failure

to comply with the provisions of this section within ninety days from the approval of this Act shall subject the said company to a fine of twenty-five dollars for each and every day during which the company neglects or refuses to make the substitution of new cars as herein specified, which fine may be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

SEC. 2. That the said Metropolitan Railroad Company be, and the same is hereby, authorized, empowered, and required to equip and operate the lines of its cars upon and along all the streets and avenues of the cities of Washington and Georgetown, within the District of Columbia, where the lines of its road or any part thereof are now laid and operated, and as hereinafter provided, with an underground electric system for propulsion of such cars: *Provided, That the change to an underground system shall be completed upon its north and south line within one year and upon its east and west line within two years after the approval of this Act: Provided there shall be completed an extension thereof on East Capitol street from Ninth street east to Fifteenth street east, around both sides of Lincoln Square, and also, an extension from Ninth street west northwesterly on Florida avenue to Tenth street west. And in default of such completions all Acts or parts of Acts chartering or extending the said road are hereby repealed.*

SEC. 3. That the said company is hereby authorized and empowered to issue its bonds, secured by a mortgage on its franchises and other property, to such amount as may be necessary to pay the cost of the work to be done and of the materials required and the expenses incident to the change to be made as provided in this Act, but not in excess of such cost. And said bonds shall not be sold or disposed of at less than their face or par value.

SEC. 4. That a transcript of the record of the case of the District of Columbia against the Metropolitan Railroad Company of the District of Columbia, at law Numbered Twenty-two thousand four hundred and fifty-eight, in the Supreme Court of the District of Columbia, together with the original papers and record entries therein, duly certified, shall, by appropriate orders duly entered of record, be transferred and delivered to the Court of Appeals of the District of Columbia, which said Court of Appeals is hereby vested with original authority and jurisdiction to hear and determine said case without a jury upon the pleas and issues and proofs therein other than the pleas and issues relating to the statute of limitation or plea of failure of notice to said company of any act required of it, and to determine from and upon said record and pleadings and proofs therein contained, and such other proof in the course of said hearing as said court may determine to be necessary in order to dispose of the case upon its merits, what, if any, indebtedness is due to the District of Columbia from the said railroad company in respect of the cause of action

stated in the declarations filed in said case, assuming that due and proper notice has been given to said company of all acts required in the premises, and to enter judgment against said company in favor of the District of Columbia for any sum or sums of money that said Court of Appeals shall find due from said company in respect of said cause of action, for the amount of which said judgment execution may issue out of said court, and said judgment shall immediately become a lien upon all the property of said company, to be enforced in the manner now provided by law for the enforcement of other liens, and shall be paid within ninety days from the date thereof: *Provided*, That unless said company shall file in said Court of Appeals its consent in writing to the aforesaid transfer of the said case, and also a waiver of all its rights and defenses under the statute of limitation and from want of notice as hereinbefore provided for, and also a waiver of all rights, benefits, advantages, and defenses that it has or may have by reason of the decision and judgment of the Supreme Court of the United States made and entered in said case within thirty days after the approval of this Act, then all rights granted to said company by this Act shall cease and be determined: *Provided*, That the judgment of the said Court of Appeals shall be final and that there shall be no appeal therefrom: *And provided further*, That the cost of said transfer and of the hearing of said case in the Court of Appeals shall be paid by said railroad company.

Transfer arrangements with connecting lines required.

Reciprocal trackage.

Tax on horse cars.

SEC. 5. That the Metropolitan Railroad Company is hereby authorized and required immediately to make reciprocal transfer arrangements with street railroad companies whose lines now connect with its lines, and to furnish such facilities therefor as the public convenience may require. Upon the completion of the underground electric system provided for in this Act the said Metropolitan Railroad Company is hereby further authorized and required to enter into reciprocal trackage arrangements with connecting roads. The schedules and compensation shall be mutually agreed upon between the said Metropolitan Railroad Company and the companies with whose lines its lines connect; and in any case of failure to reach such mutual agreement, the matters in dispute shall be determined by the supreme court of the District of Columbia, upon petition filed by either party: *Provided*, That every street railway company in the District of Columbia whose lines connect, or whose lines may hereafter connect, with the lines of any other street railway company, is hereby subjected to the same requirements as to transfers and trackage arrangements, and upon similar conditions, as in this section provided in the case of the Metropolitan Railroad Company and the lines connecting therewith.

SEC. 6. That on and after one year from the approval of this Act the Metropolitan Railway Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by said company, an annual tax of five

hundred dollars for each and every car operated by horses on that portion of its lines known as the Ninth Street line; and on and after two years from the approval of this Act the said railway company shall pay, in addition to all other taxes now required to be paid by said company, an annual tax of five hundred dollars for each and every car operated by horses on any line owned or controlled by the said company.

SEC. 7. That Congress reserves the power to alter, amend, or repeal this Act.

Approved, August 2, 1894.

Amendment.

AN ACT To amend the charter of the Metropolitan Railroad Company of the District of Columbia.

Feb. 26, 1895.
Stats. 28, p. 682.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the Metropolitan Railroad Company of the District of Columbia be, and the same is hereby, amended so as to authorize and require the said company to lay down from the intersection of Four-and-a-half and L streets, southwest, along Four-and-a-half street to P street south, a single track of underground electric road for the propulsion of its cars, thence west along P street with said single track to Water street, thence northwesterly along Water street with said single track to L street, thence east along L street with said single track to its double tracks at the intersection of Four-and-a-half and L streets, southwest, and thence north by said company's double tracks as now located into its depot on Seventh street extended.

Metropolitan Railway Co., charter amended. Extension of route required.

SEC. 2. That the Commissioners of the District of Columbia shall locate the said track on Four-and-a-half, P, Water, and L streets so as best to subserve the public convenience, and may in their discretion locate the same on Water street for such distance as they may deem best on the east track of the Belt Line Railway Company, so that the two companies may mutually and profitably use the space of street occupied by the said east track. The said Belt Line Railway Company and the Metropolitan Railroad Company shall each have the right to apply to the supreme court of the District of Columbia to fix a just and equitable compensation for any rights which may be affected by this law, and said court shall have power to issue execution to enforce its judgment.

Commissioners D. C. to locate tracks.

In re rights of Belt Ry. & Met. Ry.

SEC. 3. That the said Metropolitan Railroad Company is hereby authorized and required to lay down and continue its underground electric construction of single track from the intersection of P and Thirty-fifth streets, northwest, thence running west along P street to Thirty-sixth street, thence south on Thirty-sixth street to Prospect avenue, thence east on Prospect avenue to Thirty-fifth street, thence north on Thirty-fifth street to O street, thence east continuing its route as now located.

Extension of route in Georgetown.

Number of directors increased. SEC. 4. That the number of directors of said company shall be increased from seven to nine members.

Sale of coupon tickets. SEC. 5. That the Brightwood Railway Company, the Rock Creek Railway Company, and the Georgetown and Tennallytown Railroad Company be, and they are hereby, respectively, authorized and required to sell four coupon tickets for twenty-five cents, good for one continuous ride in the District of Columbia over the lines of said companies, respectively, and the lines of the Metropolitan Railroad Company, and the said suburban roads shall redeem the tickets collected by the Metropolitan Railroad Company, at the rate of two and one-half cents for each coupon ticket presented by the said Metropolitan Railroad Company. Any of the aforesaid railroad companies which shall refuse to make sale of tickets or to accept tickets so sold as herein provided for, shall be liable to a fine of fifty dollars for each such violation, to be recovered in the police court of the District of Columbia as other fines are recovered: *Provided*, That the proceeding for the collection of such penalty shall be commenced within thirty days from the date of the alleged refusal. The supreme court of the District of Columbia shall have, and it is hereby given, authority and jurisdiction to enforce the requirements and provisions of this section in respect of the sale of tickets on the petition of either of the aforesaid railroad companies or any citizen of the District of Columbia. And power is hereby given to the Metropolitan Railroad Company and the Rock Creek Railway Company to contract with each other for the purchase, sale, lease, or joint operation of the line of said Rock Creek Railway Company on Florida avenue and U street, or any part thereof.

In re joint operation with Rock Creek Ry.

SEC. 6. That this Act shall take effect in thirty days after its passage.

Approved, February 26, 1895.

Feb. 27, 1897. AN ACT To authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia.

Columbia road extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan Railroad Company be, and it is hereby, authorized and required within six months from the date of the approval of this Act to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia road to a point on the west line of Eighteenth street extended: *Provided*, That the said company is hereby authorized to issue and sell such an amount of its capital stock as will, at the market value thereof, cover the cost of construction and equipment of the extension herein provided for.

Approved, February 27, 1897.

AN ACT Authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street. June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan Railroad Company of the District of Columbia be, and the same is hereby, authorized and required to extend by double tracks the lines of its underground electric railroad from its present terminus at the intersection of Eighteenth street and Columbia road easterly along Columbia road to the present Sixteenth street northwest, thence north along Sixteenth street to Park street: *Provided*, That no cars shall be switched in the streets after the expiration of two years from the passage of this Act.

Extension on old Sixteenth street. Switching.

SEC. 2. That before such extension shall be constructed Columbia road shall be widened to a width of one hundred feet, the present Sixteenth street shall be widened to a width of eighty-five feet from Columbia road to Park street, and in such widening the building restriction line on the eastern side of said street shall be taken as far as practicable to form the eastern side of said street when widened; and also sufficient land shall be acquired at the northwesterly corner of Columbia road and Sixteenth street so as to allow the street-railway tracks to be laid wholly without the roadway of Sixteenth street as extended according to the highway extension plans; all in accordance with plans to be prepared by the Commissioners of the District of Columbia; and the said Commissioners shall institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Columbia road and the present Sixteenth street as herein provided, with a width of one hundred feet: *Provided*, That the said Commissioners are authorized and empowered to locate the lines of the railroad of said company within the area so to be acquired as aforesaid: *And provided further*, That the operation of the cars of the Metropolitan Railroad within the Capitol grounds shall be under the control of the Architect of the Capitol: *And provided further*, That no tracks shall be laid on any portion of the roadway of Sixteenth street as extended according to the highway extension plans.

Columbia road to be widened.

Plans.

Commissioners to condemn land to extend Sixteenth and Columbia road.

Operation of cars in Capitol Grounds to be under Superintendent of Capitol. No tracks on new Sixteenth street.

SEC. 3. That the extensions of the lines of the Metropolitan Railroad Company herein provided for shall be completed and put in operation within one year from the date of the widening of said highways as herein provided, and said Company shall deposit with the collector of taxes of the District of Columbia such sums as are necessary to pay the cost of inspection of said work.

Time of completion.

Deposits.

SEC. 4. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Columbia road and the present Sixteenth

Damages.

Portion to be paid by railroad company.

Assessment of benefits.

Commissioners given power to reject award.

Condemnation proceedings.

street, as herein provided, such proportional amounts thereof as the jury hereinafter provided shall determine shall be assessed by said jury as benefits, and to the extent of such benefits, against respectively the Metropolitan Street Railroad Company, and collected as special assessments are collected, and against those pieces or parcels of land on each side of said Columbia road and the present Sixteenth street northwest along those portions of said streets that are to be widened, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road and the present Sixteenth street northwest as said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of Columbia road as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed against those pieces or parcels of land on each side of said Columbia road and the present Sixteenth street northwest along those portions of said streets that are to be widened, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road and the present Sixteenth street northwest as said jury may find said pieces or parcels of land will be benefited, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, within thirty days after the filing of said award, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

SEC. 5. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

SEC. 6. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the

United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when empaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same.

Condemnation proceedings.

SEC. 7. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

SEC. 8. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

SEC. 9. That when the verdict of such jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged

to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Lien.

SEC. 10. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in four equal annual installments, with interest at the rate of four per centum per annum from the date of confirmation until paid. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

SEC. 11. That each juror shall receive as compensation the sum of five dollars per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

Appropriation.

SEC. 12. That the sum of three hundred dollars is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

Appeal.

SEC. 13. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments for benefits or damages herein provided for, nor any other proceedings at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of the award to others in respect to the property condemned nor the widening of such streets: *Provided, however,* That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the widening of the streets under the provisions hereof shall be paid as hereinbefore provided.

SEC. 14. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 6, 1900.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON ELECTRIC RAILWAY COMPANY.

AN ACT To authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to extend its line of road into and within the District of Columbia, and for other purposes.

August 23, 1894.

Stats. 28, p. 494.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington, Alexandria and Mount Vernon Electric Railway Company, a body incorporated under the laws of the State of Virginia, be, and is hereby, authorized to construct and lay down a double-track street railway, except as hereinafter provided, with the necessary switches, turn-outs, and other mechanical devices, the number and location of which shall be approved by the Commissioners of the District of Columbia, said street railway to be constructed and laid down through and along the following routes:

Route.

Commencing on B street, between Seventh and Eighth streets northwest, at a point to be designated by the Commissioners of the District of Columbia, thence westward along B street to Thirteen-and-a-half street, thence northward on Thirteen-and-a-half street to E street by single track, thence westward on E street to Fourteenth street on a single track, thence southward on Fourteenth street using the tracks of the Belt Line Street Railway, to the Potomac River, thence across the Potomac River by a suitable ferry or transfer barge to the Virginia shore, with the privilege of a double track on B street from Thirteen-and-a-half street, connecting with the Belt Line Street Railway tracks at Fourteenth street.

Crossings.

And said company is authorized to construct its road across the tracks of the Pennsylvania Railroad at or near the long bridge, under such regulations as may be prescribed by the Commissioners of the District of Columbia.

And the said Washington, Alexandria and Mount Vernon Electric Railway Company is hereby authorized and empowered to construct and maintain, after acquiring title to the same, at the foot of Fourteenth street, a necessary landing and slip for the operation of a ferry boat or transfer steamer, said landing and slip to be constructed on plans approved by the Secretary of War, and for the purpose of connection to use an overhead wire for a distance of not exceeding four hundred feet, commencing at the extreme southern end of the slip.

Ferry slips and boat.

And said company is also authorized and empowered to construct, maintain, and operate, subject to the supervi-

sion of the Commissioners of the District of Columbia, a double-end steambarge or transfer barge for the transfer of its cars, with all the modern improvements for the safety and protection of its passengers: *Provided*, That the said company be authorized to condemn for its use for said landing and slip, as provided for in this Act, a space not exceeding one hundred and fifty by two hundred feet.

Widening of streets.

SEC. 2. That whenever the roadway of any street occupied by the said railway company is widened, one-half of the cost of widening and improvement of such widened part shall be charged to the said railway company, and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof, is collectible under the provisions of section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight."

Route on country road.

SEC. 3. That when the route described coincides with that of a country road of less width than sixty-six feet, the railway shall be constructed entirely outside the road.

Construction.

SEC. 4. That the said railway shall be constructed in a substantial and durable manner; and all rails, electrical and mechanical appliances, conduits, stations, and so forth, shall be of approved pattern, and subject to the approval of the District Commissioners.

Paving.

SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct, and whenever any street occupied by said railway is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia and the amounts due from said corporation shall be collected as provided by section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight." But no overhead wires shall be used or constructed except as hereinbefore provided nor shall steam power be used within the limits of the city of Washington: *Provided*, That the tracks of said road shall not be used for the transportation of any cars other than those used for the transportation of passengers on street railways.

Change of grades, etc.

SEC. 6. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railroad, or from altering and improving streets, ave-

nues, and highways, and the sewerage thereof; in such event it shall be the duty of said company at once to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

Trenches.

SEC. 7. That it shall be lawful for said railway company, its successors or assigns, having first obtained the permission of the Commissioners of the District of Columbia, to make all needful and convenient trenches and excavations in any of said streets or places where said company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means herein provided, but shall forthwith restore the streets to a like good condition as they were before. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground construction shall be borne by the said railroad company.

Deposit for water mains.

SEC. 8. That the said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company, or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may consider necessary, any of the work that the said company may neglect or refuse to complete, and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus, and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War. The exercise of the rights by this Act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company, or by its successors, to make the deposits, or to comply with any of the conditions, requirements, and regulations aforesaid.

Engine houses, etc.

SEC. 9. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, upon private grounds, at such convenient and suitable points along

its lines as may seem most desirable to the board of directors of the said corporation and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of a street railway.

Commencement and completion.

SEC. 10. That the said railroad shall be commenced within one year and completed within two years from the passage of this Act.

Motive power.

Crossings.

Coinciding routes.

SEC. 11. That the said company shall run street railway cars propelled by underground cable or underground electric power: *Provided*, That for the purpose of making a continuous connection over the route hereinbefore described and designated the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route: *Provided*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street-railway company in the District of Columbia the tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines; that said corporation is authorized and empowered to propel its cars over the line of any other road or roads which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this Act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be summarily determined upon the application of either road to any court in said District having competent jurisdiction.

Passenger houses and transfer stations.

SEC. 12. That the said company shall furnish and maintain passenger houses and transfer stations as required by the Commissioners of the District of Columbia but no such

passenger house or transfer station shall be built upon the public streets or sidewalks or upon public property and shall place first-class cars on said railway with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require in accordance with a time-table approved by the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of fifty dollars for each day said failure occurs, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

SEC. 13. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, mode of use of tracks, and removal of ice and snow as in their judgment the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation as aforesaid shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

SEC. 14. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

SEC. 15. That said company shall, on or before the fifteenth of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures within the District of Columbia, from whatever source and on whatever account, for the preceding year ending December thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and, if said report is not made within ten days thereafter, such failure shall of itself operate as a forfeiture of the privileges and rights hereby granted to said company, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings in the District of Columbia, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings

Speed.

Removal of ice and snow.

Articles left in cars.

Annual report.

Taxes.

shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District of Columbia: *Provided*, That its tracks shall not be taxed as real estate.

Fare.

SEC. 16. That said company shall receive a rate of fare not exceeding five cents per passenger, including transportation to the Virginia shore; and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

Free use of roadway.

SEC. 17. That the said company shall have at all times the free and uninterrupted use of the roadway, subject to the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Crossings.

SEC. 18. That the said company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this Act, and is hereby authorized to construct, at its own cost, its said road across such other railways, under the supervision and control of the Commissioners of the District of Columbia: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

Ejection from cars.

SEC. 19. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Condemnation proceedings.

SEC. 20. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located or pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding fifty feet in width, may be instituted under the provisions of chapter eleven, Revised Statutes, relating to the District of Columbia: *Provided*, That any property owner shall have the right of trial by jury in any such issue.

Plans.

SEC. 21. That all plans relating to the location and con-

struction of said railway shall be subject to the approval of the Commissioners of the District of Columbia, or their successors, and all work shall at all times be subject to their supervision. The said corporation shall from time to time deposit with the collector of taxes, District of Columbia, such amounts as may be deemed necessary by said Commissioners to cover the cost of inspection, supervision, pavement, and repairs.

SEC. 22. That the tracks and ferry of said company within the District of Columbia shall be deemed and taken to be a public highway, to the extent that they may be freely used for the passage of cars by the Falls Church and Potomac Railway Company from such point as said company may connect with the Washington, Alexandria and Mount Vernon Electric Railway Company, and may run its cars to the eastern terminus of said latter-named company's road. And the cars of said Falls Church and Potomac Railway Company shall be propelled over the said line, from said junction to said eastern terminus, by the motive power of said Washington, Alexandria and Mount Vernon Electric Railway Company, and the said Falls Church and Potomac Railway Company shall have the right to collect fares on its said cars as fully as if operating that portion of the line in its own right. But said Falls Church and Potomac Railway Company shall make just compensation for the use of said track, ferry, and motive power; and in case any dispute should arise concerning such compensation or manner of use any party in interest may apply to the supreme court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use and motive power and the mode in which such use may be enjoyed: *Provided*, That the limitations, requirements, and restrictions imposed by this Act upon the Washington, Alexandria and Mount Vernon Electric Railway Company shall apply to the Falls Church and Potomac Railway Company; and the said Falls Church and Potomac Railway Company shall be subject, in case of any violation of the limitations, requirements, and restrictions aforesaid, to the same fines, penalties, and forfeiture of the privileges and rights herein granted as the Washington, Alexandria and Mount Vernon Electric Railway Company is subject to.

Tracks and ferry may be used by Falls Church and Potomac Railway.

SEC. 23. That should the Washington, Alexandria and Mount Vernon Electric Railway Company fail or refuse to construct a double-track street railway on the Virginia side of the Potomac River to the Arlington Reservation and provide accommodations for the necessary travel from the city of Washington to Arlington within one year from the approval of this Act, then all the rights, powers, privileges, and franchises conferred upon said company by this Act within the jurisdiction of the District of Columbia shall be, and the same are hereby, forfeited.

Tracks to Arlington Reservation.

SEC. 24. That all the conditions, requirements, and obligations imposed by the terms of this Act upon the Wash- Conditions, etc., shall be complied with.

ington, Alexandria and Mount Vernon Electric Railway Company shall be complied with by any and all the successors to and assigns of said company.

Amendment.

SEC. 25. That this Act may at any time be altered, amended, or repealed by the Congress of the United States.
Approved, August 23, 1894.

Dec. 8, 1894. AN ACT Granting the right of way through the Arlington reservation for electric railway purposes.
Stats. 28, p. 593.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington, Alexandria and Mount Vernon Electric Railway Company, a body incorporated under the laws of the State of Virginia, be, and is hereby, authorized to construct and thereafter maintain and operate its electric railroad across the lower and eastern portion of the grounds of the United States Government known as the Arlington reservation, in the State of Virginia, opposite the city of Washington, said line to be east of and contiguous to the river road, except that said line running northerly may be diverted from said river road easterly at a point not more than twenty rods southerly from the intersection of the river road with the northerly line of said reservation: *Provided*, That this diversion shall not exceed twenty rods from said river road easterly; and for such purpose said company is hereby granted a right of way fifty feet in width, not including slopes, through the grounds aforesaid. And the said company shall repair at its own expense, in a manner satisfactory to the Secretary of War, any damage, injury, or displacement that may be done to roads, footways, bridges, or fences upon or through the Government lands referred to in this Act by the construction or operation of the said electric railway company, and shall erect such sheds or other shelter for the comfort and convenience of passengers and at such points as the Secretary of War shall direct: *Provided*, That said line or route shall be subject to the approval of the Secretary of War; and when such right of way shall cease to be used for the purpose aforesaid, the same shall revert to the United States Government. And said road shall be commenced within one year from the date of the passage of this Act and finished within three years: *And provided further*, That nothing in this Act shall allow the use of steam power: *And provided further*, That the said railway company shall not cross, enter, touch upon, or be granted any right whatsoever upon that part of the Government land set aside and known as the Arlington National Cemetery. And that material for the building, grading, or ballasting of said electric railway shall not be obtained from, nor shall the trees be disturbed on, the Arlington reservation: *And provided further*, That

Wash., Alex.
and Mt. Vernon
R. R. granted
right of way
through Arling-
ton Reservation.

Route.

To be approved
by Sec. of War.

No steam
power.

the tracks of said company may be freely used for the passage of cars by the Falls Church and Potomac Railway Company from such point as said company may connect with the Washington, Alexandria and Mount Vernon Electric Railway Company. And the cars of said Falls Church and Potomac Railway Company shall be propelled over the said line, from its junction therewith, by the motive power of said Washington, Alexandria and Mount Vernon Electric Railway Company; and the said Falls Church and Potomac Railway Company shall have the right to collect fares on its cars as fully as if operating that portion of the line in its own right. But said Falls Church and Potomac Railway Company shall make just compensation for the use of said track and motive power; and in case any dispute should arise concerning such compensation or manner of use, any party in interest may apply to the supreme court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use and motive power and the mode in which such use may be enjoyed: *Provided*, That the limitations, requirements, and restrictions imposed by this Act upon the Washington, Alexandria and Mount Vernon Electric Railway Company shall apply to the Falls Church and Potomac Railway Company. And the said Falls Church and Potomac Railway Company shall be subject, in case of any violations of the limitations, requirements, and restrictions aforesaid, to the same fine, penalties, and forfeiture of the privileges and rights herein granted as the Washington, Alexandria and Mount Vernon Electric Railway Company is subject to: *Provided*, That no cars owned or used by any steam railroad company shall be drawn over the tracks of this road lying within the reservation, and that the sidings and turn-outs within the reservation shall not be used for the assembling or storage of cars, except for the purpose of the accommodation and transportation of passengers on the same day.

SEC. 2. That the right to repeal, alter, or amend this Act is reserved to Congress.

Approved, December 8, 1894.

Extract from Public—No. 146, approved June 6, 1902.

SEC. 6: That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, for a sum not exceeding five hundred and fifty thousand dollars, for the joint use of the United States and the District of Columbia, for the erection thereon of a municipal building for said District, square two hundred and fifty-five in the city of Washington, District of Columbia, and that portion of E street lying between said square and Pennsylvania avenue is hereby appropriated and made a part of said square for the purpose of erecting thereon the municipal building,

Tracks may be
used by Falls
Church and Po-
tomac Ry.

Terms of use.

Limitations,
etc., to apply to
Falls Church and
Potomac Rail-
way.

Repeal.
Amendment.

Municipal
building.

Commissioners and the Commissioners of the District of Columbia are hereby authorized to change the route of the Washington, Alexandria, and Mount Vernon Electric Railway in such a manner as to cause said portion of E street to be vacated by the tracks of said company, and jurisdiction is hereby conferred upon the supreme court of the District of Columbia upon petition of said company to inquire into, hear, and determine the amount of the actual cost and expense to the company for the removal of its tracks from E street by reason of the provisions herein contained, and to enter judgment against the United States and the District of Columbia jointly, in such sum as may be so ascertained as aforesaid, and either party shall have the right of appeal from such judgment as in other cases: *Provided*, That if the Secretary of the Treasury shall be compelled or obliged to institute condemnation proceedings in order to acquire said site, such proceedings shall be in accordance with the provisions of the Act of Congress approved August thirtieth, eighteen hundred and ninety, providing a site for the enlargement of the Government Printing Office. (United States Statutes at Large, volume twenty-six, chapter eight hundred and thirty-seven.)

WASHINGTON AND ARLINGTON RAILWAY COMPANY.

[Obsolete.]

AN ACT To incorporate the Washington and Arlington Railway Company of the District of Columbia. Feb. 28, 1891. Stats. 26, p. 789.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That W. H. Randle, D. C. Forney, J. S. Lawrence, Beriah Wilkins, C. G. Lee, James L. Barbour, and their associates and assigns, be, and they are hereby, created a body corporate under the name of the Washington and Arlington Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with necessary switches, turn-outs, and other mechanical devices for operating the same, by horse, cable, compressed air or other power to be approved by the Commissioners of the District of Columbia, or electric power, for carrying passengers, parcels, milk, and truck, by the following route, namely: Beginning on Sixth street near B street northwest; along B street and Virginia avenue northwest to Twenty-sixth street; along Twenty-sixth street to M street; along M street and Canal road to a point on the Potomac River at or near the point known as "The Three Sisters," where the said company is hereby authorized to construct and maintain a bridge across the Potomac River on such plans as the Secretary of War may approve; and from thence by, on, and over such lines as may be selected by the said company, with the approval of the Secretary of War, to the northwest entrance of the Arlington Cemetery, and thence through the Arlington estate outside of the cemetery grounds to the south or west line thereof, in the State of Virginia: *Provided*, That said road shall cross the Chesapeake and Ohio Canal on a bridge that shall be so constructed as not to interfere with the use of the bed or towpath of the canal as a waterway, or as a railway, and in a manner satisfactory to the Secretary of War: *Provided*, That said company shall not operate any part of its line by electric power with overhead wires within the city limits: *Provided*, That should any part of the track herein authorized occupy the same street or avenue with portions of any other duly incorporated street railway in the District of Columbia but one set of tracks shall be used; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in the case of disagreement, by the supreme court of the District of Columbia on petition filed therein by either party, and on such reasonable notice to the other party as the court may order:

Washington and Arlington Railway Company incorporated.

Motive power.

Route.

May bridge Potomac at Three Sisters.

Overhead wires.

Coinciding tracks.

Plans of bridge to be approved by Sec. of War. *And provided*, That no work shall be done on said road in the District of Columbia, until the plans and specifications for the proposed bridge on the Potomac River at or near "The Three Sisters" shall have been approved by the Secretary of War, and the construction of said bridge actually commenced: *And provided*, That so much of said line as may lie within the State of Virginia shall first receive the approval of the proper authorities of said State. And said company is hereby authorized to run its said railway through the United States reservation known as Fort Meyer and such other land of the United States in the State of Virginia, excepting the Arlington Cemetery Grounds, as may be necessary to construct the railway between the points named in this bill: only if the Secretary of War shall deem the same promotive of the public interest and always subject to such conditions and regulations as the Secretary of War may from time to time impose.

Railway on bridge. SEC. 2. That the railway hereby authorized and lying in the District of Columbia and on the bridge shall be constructed by said company of good material, and in a substantial manner, with grooved rails of the best pattern, and of a suitable gauge,—all to be approved by the Commissioners of the District of Columbia and the Secretary of War jointly. The tracks of said railway, so far as the same shall lie within the District of Columbia, and the space between the same and for two feet adjacent to the outer rails thereof, shall be at all times kept by said company well paved and in good order to the satisfaction of the Commissioners of the District of Columbia; and it shall be lawful for said company to make all needful and convenient trenches and excavations in any streets or spaces where its railway may be constructed, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railway in the manner and by the means aforesaid, subject to the approval of the Commissioners of the District of Columbia, and subject to the other provisions of this act; and, also, it shall be lawful for said company to erect and maintain, at such convenient and suitable points along its line not in any avenue, street, alley, or other public place as may be deemed advisable by said company or its board of directors, and subject to the approval and regulations from time to time made by the Commissioners of the District of Columbia over the place or places where the same may be located, an engine house or houses, boiler house or houses, and other buildings necessary for the successful operation of said road.

Engine houses, etc. Fare. SEC. 3. That the said company may receive a rate of fare not exceeding five cents for each passenger for one continuous ride over the route aforesaid or any part thereof, between the termini of said railroad, and shall sell tickets at the rate of six for twenty-five cents. Said company shall, on or before the fifteenth day of January of each year, report to Congress the names of all the stockholders thereof and the amount of stock held by each, together with

Annual report.

a detailed statement of the receipts and expenditures from different sources and on whatever account for the preceding year ending December thirty-first, which report shall be verified by the affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of taxes on personal property for the next ensuing fiscal year, four per centum of its gross earnings upon traffic for the preceding year, which amount shall be paid to the collector of taxes at the times and in the manner that other taxes are or may be payable and subject to the same penalty in case of arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof in the same manner as is or may be provided by law for the sale of other property for taxes, and said per centum of its gross earnings shall be in lieu of any and all other assessments upon its personal property in the District of Columbia, used solely and exclusively in the operation and management of said railway; but its real estate in said District shall be taxed as other real estate therein: *Provided*, That its tracks shall not be considered real estate for the purpose of taxation.

SEC. 4. That the capital stock of said company shall be fifty thousand dollars, and may be increased to three hundred thousand dollars by order of a majority of the stockholders at a general meeting, in shares of one hundred dollars each. Said company shall require the subscribers to its capital stock to pay in cash to the treasurer, appointed by the incorporators hereinbefore named, the amounts severally subscribed by them as follows, to wit: Ten per centum at the time of subscribing and the balance at such times and in such amounts as the board of directors of said company may require; and no subscription shall be deemed valid unless ten per centum thereof shall be paid at the time of subscription, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment or installments as aforesaid, or as required by the resolution of the board of directors, said board may sell at public auction to the highest bidder so many shares of the stock of such defaulting stockholder as shall be necessary to pay said installments, under such general regulations as may be adopted by the by-laws of said company, and for the purposes of such sale the highest bidder shall be deemed and taken to be the person who shall offer to purchase the least number of shares for the assessments due; but no stock shall be sold at such sale for less than the total assessments due and payable at the time thereof; or said company may sue and collect from any delinquent subscriber, in any court of competent jurisdiction, the amount of the assessments at any time due and payable in accordance herewith, and bonds may be issued in amount not exceeding fifty per cent. of the stock subscribed and paid for: *Provided*, That the entire issue of stock and bonds shall not exceed the actual cost of constructing and equip-

Taxes.

Capital stock

Subscription.

Maximum bond and stock issue.

ping the road, including the bridge; and *provided, also*, that the total amount of bonds issued shall not exceed double the amount of the paid-up stock; and every certificate of stock issued shall show the amount paid on same, to be secured by mortgage or deed of trust upon the property of the company.

Cars.

Schedule.

Necessary
land.Ejectment
from cars.Books of sub-
scription.Payments
on stock.Meeting
stockholders.

SEC. 5. That said company shall place first-class cars on its said railway, with all modern improvements, for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, and according to a schedule to be made from time to time by said company and approved by the Commissioners of the District of Columbia, but no steam cars, locomotives or passenger or other cars for steam railways shall ever be run on the tracks of said railway in the District of Columbia. Said company may buy land on which to construct passenger-rooms, ticket-offices, workshops, depots, and buildings as may be necessary, and as the business of said railway and the convenience of the public may require, at such points along its line as may be approved by the Commissioners of the District of Columbia, as to so much of its railway as lies within the said District, and the Secretary of War as to the remainder of said railway. No person shall be prohibited from riding on the cars of said company or ejected therefrom by the company's employees for any other cause than being drunk, disorderly, or contagiously diseased, or for the use of profane or indecent language, or for refusing to pay the legal fare exacted, or to comply with the lawful general regulations of said company.

SEC. 6. That within thirty days after the approval of this act the corporators above named, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place in the District of Columbia from nine o'clock in the forenoon until five o'clock in the afternoon for a period to be fixed by said corporators, not less than two days (unless the whole stock shall be sooner subscribed for), the said corporators shall give notice, by advertisement in two or more of the daily papers published in the city of Washington, District of Columbia, of the time, manner, and the place where said books shall be opened, and subscribers upon said books to the capital stock of said company shall be held to be stockholders therein: *Provided, however*, That every subscriber shall pay at the time of subscription ten per centum of the amount by him subscribed to the treasurer appointed by the corporators aforesaid, or his subscription shall be null and void: *And provided further*, That nothing shall be received in payment of the ten per centum aforesaid except lawful money of the United States or certified checks of any established national bank. And when the books of subscription to the capital stock of said company shall be closed the corporators aforesaid, or a majority of them, and in case any of

them refuse or neglect to act, a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet ten days thereafter for the choice of directors, of which meeting notice shall be given by advertisement three times in two public newspapers published daily in the city of Washington aforesaid, and by written personal notice to be mailed to the address of each stockholder by the treasurer aforesaid; and in any meeting of stockholders each share shall entitle the holder to one vote, which may be given either in person or by proxy.

SEC. 7. That the government and direction of the affairs of said company shall be vested in a board of directors, not less than five nor more than nine in number, who shall be stockholders of record and who shall hold office for one year, and until their successors are duly elected and qualified, and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of said company, and shall also elect a vice-president, secretary, and treasurer, the last named of whom shall give a bond, with surety, to said company in such sum as said directors may require, for the faithful discharge of his trust. In case of vacancy in the board of directors by death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors, or in such other manner as the by-laws of said company may prescribe. The directors of said company shall have power to make, prescribe, amend, and alter such by-laws, rules, and regulations as they shall deem needful and proper touching the management of said company, and the disposition and management of its stock, property, estate, and effects.

SEC. 8. That the principal office of said company shall always be situated in the District of Columbia, and the books and papers relating to the business of said company shall be kept thereat, open at all times to the inspection of the stockholders. The meetings of the stockholders, and directors of said company shall be held at said office, and there shall be an annual meeting of the stockholders for choice of directors to be held at such time, under such conditions, and upon such notice as the said company shall by its by-laws prescribe, and said directors shall hold such meetings as may by said by-laws be prescribed, and shall annually make a report, in writing, of their doings to the stockholders and to the Commissioners of the District of Columbia. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election as respects said election, and for the purpose of paying dividends at such lawful and reasonable times before the payment thereof as the by-laws of said company may prescribe.

SEC. 9. That said company shall commence the construction of its said railway within twelve months from the approval of this act, and said railway shall be built its

Board of direct-
ors.

Officers.

By-laws.

Principal of-
fice.Annual meet-
ing.

Annual report

Commencement
and completion.

entire distance, with switches and turn-outs, and with cars running thereon for the accommodation of passengers within three years from the date of such approval; otherwise this act shall be null and void.

Use of tracks
and bridge by
other companies.

SEC. 10. That the tracks of said company on the bridge and the approaches to said bridge may be freely used for the passage of cars with motive power of the kind described by this act belonging to any individual or corporation legally authorized thereto, upon making just compensation for such use, and in case any dispute shall arise concerning such compensation or manner of use any party in interest may apply to the Supreme Court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use and the mode in which such use may be enjoyed.

Construction.

SEC. 11. That if the corporation cannot agree with the owner for the purchase, use, or occupation of land, gravel, earth, timber, or other material required for the construction, enlargement, or repair of any of its works, or if the owner be a married woman, infant, non compos mentis, or out of the District, the said corporation may apply to the supreme court of the District of Columbia, at any general or special term thereof, and said court after reasonable public notice and hearing shall proceed with the condemnation of such land or property for the use aforesaid.

Acquisition of
land.

Condemnation
proceedings.

SEC. 12. That for the purpose of ascertaining the value of any land or property so condemned the said court may direct the marshal and the marshal shall accordingly summon eighteen disinterested men, not related to either party; and if any of them refuse to attend he may then summon or call others immediately to make up the number of eighteen. Each party shall have the right, in person or by attorney or agent, if present at the time, to strike off three, and the marshal shall strike off such as shall not be so stricken off by the parties, until the number shall be reduced to twelve, who shall be a jury.

Oath, etc.

SEC. 13. That the marshal shall then administer an oath or affirmation to every person of the jury that he will impartially and to the best of his skill and judgment value the land or other property required by the corporation, and also, if the same be land required for the construction of the said railroad or work, the damage which the owner will sustain, if any, by the taking of the land for such use.

Inquisition and
report.

The jury shall accordingly inquire of such value and damage, and make report thereof in writing, to be signed by them all, and setting forth in case of land the boundaries of the land and the estate, interest, or use to be taken by the corporation. Such inquisition and report shall be returned by the marshal to the clerk of the circuit court of the District of Columbia.

Return.

Confirmation
to be recorded.

SEC. 14. That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded by the clerk of said court; but for cause the court may set it aside

and order another inquisition, or more than one from time to time, to be conducted in like manner as the first and with like effect, until an inquisition and report shall be confirmed by the court. Upon such confirmation of the first or any subsequent inquisition and report and upon payment or tender of the amount fixed in the inquisition to be paid by the corporation, either to the owner or in court, as the court shall order, the said corporation shall be entitled to the property according to the nature of such condemnation and appropriation for the uses mentioned in this act.

New inquisition
may be ordered.

Payment.

SEC. 15. That said railway shall be constructed in such a manner as not to injure or endanger any of the pipes, fixtures, or apparatus of the water works supplying the District of Columbia, or any part thereof, and the operations of said company shall always be subject to the control and direction, in this respect, of the Secretary of War, and subject to the right of the Secretary of War, or other lawful public authority, to interrupt the construction or use of said railway whenever necessary for the protection or repair of such water works, or in respect of any increase thereof or additions thereto. If in the course of construction of said railway, or at any time thereafter, it shall be deemed by the Secretary of War necessary for the better protection of such water pipes, fixtures, or apparatus, or for other water pipes, fixtures or apparatus that may be laid or applied, to raise or otherwise fix or adjust any avenue, street, road, alley or public place containing or to contain such pipes, or to otherwise adjust the same so as to produce absolute security for all such pipes and apparatus existing or to be laid or arranged at any point or points on or contiguous to the line of said railway, such changes in grade and otherwise, or works, as shall be deemed necessary by the Secretary of War shall be made, done and performed by and at the expense of said railway company, and its successors and assigns, to the satisfaction of the Secretary of War; and the remainder of width of any avenue, street, alley, road, or other public place, at all such points or places, shall be raised, adjusted, repaved and put in condition, safe for all such pipes and apparatus, and in a manner satisfactory to the Secretary of War, and in conformity to any order of the Secretary of War in the matter, and at the expense of said company, and its successors and assigns. Any structure, work in or change in the condition of any such avenue, street, road, alley or public place, not made in conformity with the provisions in this act contained, shall be unlawful.

Protection of
water pipes.

Changes of
grade, etc.

SEC. 16. That Congress hereby reserves to itself the right at any and all times to alter, amend, or repeal this act.

Amendment.

Approved, February 28, 1891.

March 2, 1891. JOINT RESOLUTION Correcting an error in an enrolled bill.

Stats. 26, p.
1114.

Whereas the act to incorporate the Washington and Arlington Railway Company, as enrolled, fails to express the intent of the two houses as manifested by the adoption of the report of the conference committee on the amendments between the two houses thereon: Now, therefore, for the purpose of correcting said error and for no other purpose,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the act entitled "An act to incorporate the Washington and Arlington Railway Company of the District of Columbia" be, and same is hereby, amended so that the last sentence of said section after the words "in accordance herewith" shall read as follows: "And bonds to be

Washington and
Arlington Ry.
Co.
Error in char-
ter corrected.

Maximum bond
and stock issue.

secured by mortgage or deed of trust upon the property of the company may be issued to the amount of five hundred thousand dollars: *Provided*, That the entire issue of stock and bonds shall not exceed the actual cost of constructing and equipping the road, including the bridge: *And provided also*, That the total amount of bonds issued shall not exceed double the amount of paid up stock, and every certificate of stock shall show the amount paid on the same.

Approved, March 2, 1891.

WASHINGTON AND GETTYSBURG RAILWAY CO.

March 3, 1899. AN ACT to authorize the Washington and Gettysburg Railway Company, of Maryland, to extend its line of road into and within the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Gettysburg Railway Company, a corporation duly incorporated under the laws of the State of Maryland, is hereby authorized to construct a city and suburban division of said railway in the District of Columbia, with single or double tracks, equip and operate the same for the carrying of passengers, parcels, milk, garden truck, and other small freight, with the necessary switches, turn-outs, buildings, and necessary mechanical devices, along the following-named route:

ROUTE.

Route.

Beginning at the boundary line of the District of Columbia at the intersection of said boundary line with Fourteenth street northeast extended, as shown on the proposed plans of street extensions; thence by double track south on said Fourteenth street for a distance of eight hundred and fifty feet; thence in a westerly direction to Thirteenth street northeast extended, as shown on the plans of street extensions; thence south on Thirteenth street to the north

line of Bunker Hill road; thence along the north side of said road, and wholly outside the limits thereof, to Twelfth street, Brookland; thence south by single track on Twelfth and Duncan streets to Rhode Island avenue; thence in a southwesterly direction on Rhode Island avenue to Tenth street; thence north on Tenth and Wallace streets to and across Bunker Hill road to the north side thereof; thence along said road and wholly outside thereof to Twelfth street, connecting with the double tracks at that point: *Provided*, That no freight cars or passenger cars shall be switched in the public streets of the District of Columbia, and that the Commissioners of the District of Columbia are hereby empowered to make and to enforce all proper regulations in regard to handling cars at terminal points.

Switching.

COINCIDING ROUTE.

Coinciding
route.

SEC. 2. That where this route coincides with an existing street railway, one set of tracks shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties and to fix the terms of joint trackage. Payments for the use of the tracks shall be made monthly, in advance; default in such payments shall suspend the right of the company to use the tracks until such payment is made; that the motive power shall be cable, electric, compressed air, or other mechanical power, other than steam locomotive power; and wherever the trolley system is used, a return wire, similar in capacity, situation, and insulation to the feed wire, shall be provided for the current, and each car shall be provided with a double trolley; and no dynamo furnishing power to the road, or any portion thereof, shall have either of its poles connected to the earth.

PLANS.

Plans.

SEC. 3. That all plans of location and construction shall be subject to the approval of the Commissioners of the District of Columbia.

EXCAVATIONS.

Excavations

SEC. 4. That excavations in the highways shall be made only under permits from the Commissioners of the District of Columbia, and subject to regulations prescribed by them.

CONSTRUCTION.

Construction

SEC. 5. That the said railway and its appurtenances shall be constructed in a substantial and durable manner, subject to inspection by the Commissioners of the District of Columbia. All changes to existing structures in public space shall be made at the expense of the company.

DEPOSITS.

Deposits. SEC. 6. That the said company shall deposit such sums as the Commissioners of the District of Columbia may require, to cover the cost of District inspection and the cost of changes to public works in the streets.

CARE OF ROADWAY.

Paving adjacent to tracks. SEC. 7. That the company shall keep the space between its rails and tracks and two feet exterior thereto in good condition, to the satisfaction of the Commissioners of the District of Columbia. The pavement of these spaces shall be at least as good as that of the contiguous roadway. The proper authorities shall have the right to make changes of grade and other improvements which they may deem necessary; and when any highway occupied by the company is improved, the company shall bear the entire expense of improving said spaces to correspond with the remainder of the roadway. The requirements of this section shall be enforceable under the provisions of section five of the Act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight.

GUARANTEE DEPOSIT.

Guaranteed deposits. SEC. 8. That within sixty days from the approval of this Act the company shall deposit one thousand dollars with the collector of taxes of the District of Columbia, to guarantee the construction of its railway within the prescribed time. If this sum is not so deposited this charter shall be void. If the sum is so deposited and the road is not in operation as herein prescribed, said one thousand dollars shall be forfeited to the District of Columbia and this charter shall be void.

CARS.

Cars. SEC. 9. That the cars shall be first-class and shall be kept in good condition, to the satisfaction of the Commissioners of the District of Columbia.

TIME-TABLE.

Time-table. SEC. 10. That the cars shall be run as often as the public convenience requires, on a time-table satisfactory to the Commissioners of the District of Columbia and approved by them.

SPEED.

Speed. SEC. 11. That the speed of cars shall be subject to the police regulations of the District of Columbia.

EJECTMENT FROM CARS.

SEC. 12. That persons drunk, disorderly, contagiously diseased, or refusing to pay the legal fare may be ejected from the cars by the officers in charge thereof. Ejectment from cars.

ARTICLES LEFT IN CARS.

SEC. 13. That as far as possible articles left in cars shall be cared for by the company, to the end that they may be returned to the rightful owner. Lost articles.

FARE.

SEC. 14. That the rate of fare which may be charged for the transportation of passengers over the lines of said company within the District of Columbia shall not exceed five cents per passenger, and six tickets shall be sold for twenty-five cents: *Provided, however,* That the said Washington and Gettysburg Railway Company, the Maryland and Washington Railway Company, and the Eckington and Soldiers' Home Railway Company are hereby required to issue free transfers, so that for the payment of one fare a passenger on any one of the roads shall have the privilege of a continuous ride over the lines of the other two or either of them. Fare.

BUILDINGS.

SEC. 15. That the company is authorized to erect and maintain the buildings necessary to the operation of its road, subject to the building regulations of the District of Columbia. The company shall erect and maintain passenger rooms and transfer stations as required by the Commissioners of the District of Columbia. All passenger rooms and transfer stations shall be provided with such conveniences for the public as said Commissioners may direct. Buildings.

LAND.

SEC. 16. That the company is authorized to acquire, by purchase or condemnation, the necessary land for its authorized right of way and to issue its bonds or other evidences of debt, secured by mortgage or deed of trust on its properties and franchises: *Provided,* That the total issue of said bonds shall not in the aggregate exceed the amount necessary for the construction and equipment of said railroad, and before any bond or trust deed shall be executed the amount of bonds necessary to be issued shall be ascertained and fixed by the Commissioners of the District of Columbia; and for this purpose said Commissioners are hereby authorized to subpoena and examine witnesses and take such testimony as may be necessary to enable them to make such determination and fix the amount of Condemnation. Bonds. Limit of issue.

issue: *And provided further*, That an appeal may be taken from the decision of said Commissioners to the supreme court of the District of Columbia; and all bonds issued in excess of the amount authorized by said Commissioners or said court, or in violation of the provision of this Act, shall be null and void.

TAXES.

Taxes.

SEC. 17. That said road shall annually pay a franchise tax to the tax collector of the District of Columbia of five-eighths of one per centum of the entire gross earnings of such company; that there shall be levied and collected in addition to such franchise tax, upon all the real estate of said company, a tax in the same manner and to the same extent as upon all other real estate of the District of Columbia; and in addition to said taxes shall pay an annual tax of two per centum on their entire gross earnings within the District of Columbia.

CHANGES IN GRADES.

Changes in grades.

SEC. 18. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway or from altering and improving streets, avenues, highways, and the sewerage thereof; and said company shall change its railway construction and pavements so as to conform to such grades and improvements as may have been or may be established.

TELEGRAPH AND TELEPHONE LINES.

Telegraph and telephone lines.

SEC. 19. That said company is also authorized to construct and operate, for its own use only, telegraph and telephone lines along its railway, as herein provided for, subject to the approval of the Commissioners of the District of Columbia.

COMMENCEMENT AND COMPLETION.

Completion.

SEC. 20. That the construction of the said extension on the lines of the said railway company within the District of Columbia shall be commenced within one year of the passage of this Act and be completed and cars running thereupon for passenger traffic within two years from the passage of this Act, in default of which this Act shall be void and of no effect in so far as the said line shall not be so completed.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

To be regulated by Commissioners.

SEC. 21. That the construction, adoption of motive power, erection of buildings, regulation of schedule and speed of running, shall be at all times under the supervision and control of the Commissioners of the District of Columbia.

PENALTIES.

SEC. 22. That each and every violation of the requirements of this Act shall be punishable by a fine of from twenty-five to one thousand dollars, in the discretion of the court, such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia. Penalties.

AMENDMENT; REPEAL.

SEC. 23. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, March 3, 1899.

JOINT RESOLUTION Extending the time within which certain street railroads in the District of Columbia may be constructed. March 1, 1901.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the Washington and Gettysburg Railway Company, of Maryland, is allowed to extend its lines into and within the District of Columbia be, and the same is hereby, extended for two years from and after the passage of this resolution. Time extended.

SEC. 2. That the time within which the Columbia Railway is authorized to construct an extension of its lines from the intersection of Watts Creek and Anacostia road along the Anacostia road to its intersection with the eastern boundary line of the District of Columbia be, and the same is hereby, extended for two years from the passage of this resolution: *Provided*, That said branch of said railway shall be constructed in or along said Anacostia road in accordance with plans to be approved by the Commissioners of the District of Columbia. Columbia Railway.

Approved, March 1, 1901.

AN ACT Requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes. July 1, 1902.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Anacostia and Potomac River Railroad Company, of the District of Columbia, be, and it hereby is, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system, such as is now in use on its Eleventh street line, over and along the following route, namely: Beginning at the northern terminus of its Eleventh street line at Eleventh street and Florida avenue north, by double track, along Eleventh street to Lydecker avenue: *Provided*, That until the line of railroad Anacostia and Potomac River Railroad Company.

on Eleventh street is further extended, cars may be switched on Eleventh street between Whitney and Lydecker avenues: *And provided further*, That until provision is made for a further extension of the line of the Metropolitan Railroad Company on Old Sixteenth street cars may be switched on Old Sixteenth street between Grant and Park streets.

SEC. 2. That the extension herein authorized shall be completed and the cars operated thereon within two years from the date of the issuance of a permit by the Commissioners of the District of Columbia.

SEC. 3. That the extension herein provided for shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia and approved by them.

SEC. 4. That the said Anacostia and Potomac River Railroad Company shall have over and respecting the route herein provided for the same rights, powers, and privileges it has, or hereafter may have, by law over and respecting its other routes, and be subject in respect thereto to all the other provisions of its charter and of law.

SEC. 5. That the time within which the Washington and Gettysburg Railway Company shall construct its line within the District of Columbia is extended two years from March first, nineteen hundred and three.

SEC. 6. That Congress reserves the right to amend, alter, or repeal this Act.

Approved, July 1, 1902.

WASHINGTON AND GLEN ECHO R. R. CO.

May 7, 1898. AN ACT To authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia six hundred feet.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Glen Echo Railroad Company, a corporation organized under the laws of the State of Maryland and operating a street railway in said State, the eastern terminus being at or near the northern boundary of the District of Columbia in Chevy Chase, be, and said corporation is hereby, authorized and empowered to obtain a right of way and construct its road and lay double tracks thereon into the District of Columbia a distance of six hundred feet, and no farther, from the point in the boundary line of the District where said railway extended crosses the boundary line of the District and from said point to a point on the west line of Connecticut avenue extended, on a route to be approved by the Commissioners of the District of Columbia, said corporation to have full power and authority to operate cars upon said road for the purpose of its traffic; said corporation to use electric motive power

To extend into District of Columbia.

in propelling its cars: *Provided*, That no fares shall be charged or collected within the District of Columbia: *And provided further*, That unless the extension herein provided for shall be completed within six months from the date of the approval of this Act, then this Act shall be null and void: *And provided further*, That the Commissioners of the District of Columbia shall have the power to make and to enforce all reasonable and usual regulations for the operation and maintenance of that portion of the lines within the District of Columbia.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, May 7, 1898.

WASHINGTON AND UNIVERSITY RAILROAD.

AN ACT To incorporate the Washington and University Railroad Company of the District of Columbia. July 8, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That J. D. Croissant, Frederick C. Kennedy, A. O. Humphrey, David D. Stone, John J. Flynn, V. K. Nash, and Charles S. Lord, and their associates, successors, and assigns, are hereby created a body corporate under the name of the Washington and University Railroad Company of the District of Columbia.

ROUTE.

SEC. 2. That the company is authorized to construct and operate a street railway for carrying passengers along the following-named route: Beginning at or near the intersection of the Tennallytown road and Quincy street; thence westerly on Quincy street to Forty-fourth street; thence northerly on Forty-fourth street to Vallejo street; thence westerly on Vallejo street to Forty-seventh street; thence northerly on Forty-seventh street to Flint street; thence west on Flint street to Boundary avenue; thence southerly on Boundary avenue to Forty-eighth street; thence southerly on Forty-eighth street to Brandywine street; thence easterly on Brandywine street to Forty-seventh street, as shown upon the plans of the third section of highway extensions: *Provided*, That where this route lies within the lines of a proposed highway the company shall acquire a right of way not less than thirty feet wide in the center thereof, and all rights of way acquired within the lines of proposed highways shall be dedicated to the use of the public before a permit is issued for the construction of a railroad therein.

MOTIVE POWER.

SEC. 3. That the motive power shall be electricity, and if the trolley system is used a return wire of equal capacity to the feed wire, and similarly insulated, must be provided,

Fares.

Forfeiture.

Commissioners to make regulations.

Washington and University Railroad.

Route.

Motive power.

and each car shall be equipped with a double trolley. No portion of the electrical circuit shall, under any circumstances, be allowed to pass through the earth, and neither pole of any dynamo furnishing power to the line shall be grounded.

PLANS.

Plans SEC. 4. That all plans of location and construction shall be subject to the approval of the Commissioners of the District of Columbia.

EXCAVATIONS.

Excavations. SEC. 5. That excavations in the highways shall be made under permits from the Commissioners, and subject to regulations prescribed by them.

CONSTRUCTION.

Construction. SEC. 6. That the railway and its appurtenances shall be constructed in a substantial and durable manner. Such construction shall at all times be subject to District inspection. All changes to existing structures in public space shall be made at the expense of the company.

DEPOSITS.

Deposits. SEC. 7. That the company shall deposit such sums as the Commissioners may require to cover the cost of District inspection and the cost of changes to public works in the streets.

CARE OF ROADWAY.

Care of roadway. SEC. 8. That the company shall keep the space between its rails and tracks and two feet exterior thereto in good condition, to the satisfaction of the Commissioners; and said spaces shall be kept in such condition that vehicles can readily and easily pass from one side of the tracks to the other. The pavement of these spaces shall be at least as good as that of the contiguous roadway. The proper authorities shall have the right to make changes of grade and other improvements which they may deem necessary; and when any highway occupied by the company is improved the company shall bear the entire expense of improving said spaces to correspond with the remainder of the roadway. The requirements of this section shall be enforceable under the provisions of section five of the Act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight.

COMPLETION.

Completion. SEC. 9. That the road shall be in operation for its entire length within the District of Columbia within two years from the approval of this Act.

GUARANTEE DEPOSIT.

SEC. 10. That within sixty days from the approval of this Act the company shall deposit one thousand dollars with the collector of taxes of the District of Columbia to guarantee the construction of its railway within the prescribed time. If this sum is not so deposited this charter shall be void. If the sum is so deposited and the road is not in operation as herein prescribed said one thousand dollars shall be forfeited to the District of Columbia and this charter shall be void. Guarantee deposit.

CARS.

SEC. 11. That the cars shall be first class, and shall be kept in good condition, to the satisfaction of the Commissioners. Cars.

TIME-TABLE.

SEC. 12. That the cars shall be run as often as the public convenience requires, on a time-table satisfactory to the Commissioners and approved by them. Time-table.

SPEED.

SEC. 13. That the speed of cars shall be subject to the police regulations of the District of Columbia. Speed.

EJECTION FROM CARS.

SEC. 14. That persons drunk, disorderly, contagiously diseased, or refusing to pay the legal fare may be ejected from the cars by the officers in charge thereof. Ejection from cars.

ARTICLES LEFT IN CARS.

SEC. 15. That as far as possible articles left in cars shall be cared for by the company, to the end that they may be restored to the rightful owner. Articles left in cars.

FARE.

SEC. 16. That the rate of fare within the District of Columbia shall not exceed five cents per passenger, and six tickets shall be sold for twenty-five cents. Fare.

BUILDINGS.

SEC. 17. That the company is authorized to erect and maintain the buildings necessary to the operation of its road, subject to the building regulations of the District of Columbia. The company shall erect and maintain passenger rooms and transfer stations as required by the Commissioners, and proper conveniences for the public shall be provided at such rooms and stations. Buildings.

LAND.

Land. SEC. 18. That the company is authorized to acquire, by purchase or condemnation, the necessary land for its authorized right of way.

ORGANIZATION.

Organization. SEC. 19. That the corporators shall open books of subscription to the capital stock of the company within three months from the approval of this Act, of which previous notice shall be given every day for one week by advertisement in a newspaper published in the city of Washington. The corporators herein named shall be individually liable for moneys received for subscriptions to the capital stock prior to the organization of the company by the stockholders. Within six months from the approval of this Act the company shall be organized by the stockholders, for which purpose the corporators shall call a meeting of the stockholders, notifying them of the purpose, time, and place of such meeting by a letter mailed to each, and giving additional notice, by advertisement in a newspaper published in the city of Washington, every day for one week previous to such meeting; and thereafter the stockholders shall meet at least once a year, and such notice shall be given of each meeting. Each share of paid-up stock shall entitle the holder to one vote. The stockholders are empowered to elect a president, a treasurer, a secretary, a board of directors, and other officers, and to make by-laws and regulations for the government of the company.

CAPITAL STOCK.

Capital stock. SEC. 20. That the company is authorized to issue bonds and capital stock, said stock to be in shares of ten dollars each: *Provided, however,* That the total issue of said bonds and stock shall not in the aggregate exceed the amount necessary for the cost of construction and equipment of its railway and buildings; and before any bonds or stock shall be issued the amount thereof shall be ascertained and fixed by the Commissioners of the District of Columbia; and for this purpose said Commissioners are hereby authorized to subpoena and examine witnesses and take such testimony as may be necessary to enable them to make such determination and fix the amount of issue: *And provided further,* That an appeal may be taken from the decision of said Commissioners to the supreme court of the District of Columbia. And all bonds or stock issued in excess of the amount authorized by said Commissioners or said court, or in violation of the provisions of this Act, shall be null and void. Stock sold by the company shall be fully paid for before delivery to purchaser. Stockholders shall be individually liable to the extent of the value of the stock held by them.

TAXES.

Taxes. SEC. 21. That the Washington and University Railroad Company shall annually pay to the District of Columbia a franchise tax of five-eighths of one per centum of the entire gross earnings of such company, and a personal tax of two per centum per annum on the entire gross earnings of said company. There shall also be levied and collected upon all of the real estate of said company a tax in the same manner and to the same extent as upon all other real estate in the District of Columbia; said taxes shall be due and payable, subject to the same penalties on arrears, and collectible in the same manner as other taxes in the District of Columbia.

PENALTIES.

Penalties. SEC. 22. That each and every violation of the requirements of this Act shall be punishable by a fine of from twenty-five to one thousand dollars, in the discretion of the court; such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia.

AMENDMENT; REPEAL.

SEC. 23. That Congress reserves the right to alter, amend, or repeal this Act. ^{Amendment; repeal.}

Approved, July 8, 1898.

AN ACT To amend the Act of Congress approved July eighth, eighteen hundred and ninety-eight, entitled "An Act to incorporate the Washington and University Railroad Company of the District of Columbia." March 3, 1899.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of the Act of Congress approved July eighth, eighteen hundred and ninety-eight, entitled "An Act to incorporate the Washington and University Railroad Company of the District of Columbia," be, and the same is hereby, amended so as to read and be as follows:

"SEC. 2. That the company is authorized to construct and operate a street railway for carrying passengers along the following-named route: Beginning at or near the intersection of Wisconsin avenue or the Tenallytown road with Trenton street; thence westerly on Trenton street to Forty-fourth street; thence northerly on Forty-fourth street to Vallejo street; thence westerly on Vallejo street to Forty-seventh street; thence northerly on Forty-seventh street to Flint street; thence west on Flint street to Boundary avenue; thence southerly on Boundary avenue to Forty-eighth street; thence southerly on Forty-eighth street to Brandywine street; thence easterly on Brandywine street to Forty-seventh street, as shown upon the Amended route.

plans of the third section of highway extensions: *Provided*, That where this route lies within the lines of a proposed highway the company shall acquire a right of way not less than thirty feet wide in the center thereof, and all rights of way acquired within the lines of proposed highways shall be dedicated to the use of the public before a permit is issued for the construction of a railroad therein."

Approved, March 3, 1899.

WASHINGTON, WOODSIDE AND FOREST GLEN RAILWAY AND POWER COMPANY.

June 29, 1898. AN ACT Relating to the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Maryland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Maryland, a corporation created, organized, and existing under and by virtue of the laws of the State of Maryland, shall have the right to run its vehicles over the tracks of the Brightwood Railway Company, and to use the power of that company for propelling its cars, or to furnish power to that company for that purpose, upon such terms and conditions as may be mutually agreed upon; and in case said companies are unable to agree in regard thereto, either company may apply by petition to the supreme court of the District of Columbia, and after reasonable notice thereof to the other party said court shall, upon hearing and investigation being had, have full power to adjudicate and finally determine the terms and conditions upon which the joint use of said power and tracks shall be enjoyed; and the said companies are each hereby severally authorized to enter into any agreement with each other as may be necessary to insure a continuity of traffic over the tracks of said companies and under the management of either of said companies: *Provided*, That nothing contained herein shall operate to relieve the Brightwood Railway Company of any of its charter obligations, limitations, requirements, and restrictions, all of which shall remain in full force and effect, and shall be binding in all respects upon any company operating cars upon the route of said Brightwood Railway Company.

SEC. 2. That Congress reserves the right to amend or repeal this Act.

Approved, June 29, 1898

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY COMPANY.

AN ACT To incorporate the Washington and Great Falls Electric Railway Company. July 29, 1892. Stats. 27, p. 326.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That W. C. Codd, and James F. Morrison, of the State of Maryland, and James L. Barbour, James Robbins, Smith Pettit, John G. Slater, Edwin Baltzley, Edward Baltzley, J. P. Clark, Simson De. F. Jennings, and Edward B. Cottrell, of the District of Columbia, and their associates and successors, are hereby created a body politic and corporate, in fact and in law, by the name of the Washington and Great Falls Electric Railway Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and may make and have a common seal, and alter the same at their pleasure; and the said corporation is hereby authorized to locate, construct, equip, maintain, and operate a continuous line of single or double track railway, and all necessary sidings, stations, switches, turn-outs, and other devices, and to operate the same by electricity through and along the following named streets, avenues, and roads, to wit: Beginning at a point, to be located by the Commissioners of the District of Columbia, west of the north end of the Aqueduct Bridge, and running thence west over the Canal road on an elevated railway of iron columns [*sic*] and beams, with wood cross-ties and guards, to be built so as not to interfere with the use of the Chesapeake and Ohio Canal and so as to preserve to the public the full use of the Canal road. The said company shall submit the plans of said elevated railway to the Commissioners of the District of Columbia for their approval, and no work shall be done on said railway by said company before such approval in writing. In respect of everything that may pertain to the strength of the structure and to the safety and convenience of the public the construction and operating of said elevated railway shall at all times be subject to the control and approval of the said Commissioners, and the said company shall make good to the District of Columbia all damages done by it or by its contracting agents to the Canal road and other roads belonging to the District of Columbia, and shall also make good to the District of Columbia all the costs of inspection of the company's work by the au-

Washington and Great Falls Electric Railway Company incorporated (amended).

Route (repealed).

thorized agents of the said District. In respect of everything that may pertain to the safety of the United States water mains in the Canal road, the plans, the construction, and the operating of said elevated railway shall be subject to the control and approval of the Secretary of War. For the safety of travel on said Canal road, and before commencing to run its cars on said elevated railway, and subject to the inspection and approval of the Commissioners of the District of Columbia, the said company shall, at its own expense, construct a substantial masonry wall between said Canal road and the Chesapeake and Ohio Canal throughout the entire distance on said road occupied by said elevated railway; and the said company also at its own expense and within the same time and subject to the same approval and acceptance, shall pave the said portion of said road with granite blocks or vitrified brick in the best manner. From the Canal road the route of said railway is to run westerly along the top of the bluff on the north side of the Canal road, and outside and south of the southern boundary of the land of the Washington Aqueduct pertaining to the distributing reservoir, to a point on said boundary not more than six hundred feet from the western boundary of said land; thence across said land but at no point less than two hundred feet from the outer crest of the dam of said reservoir, to said western boundary; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to the land of the said aqueduct pertaining to the receiving reservoir; thence through said land to a point on the land of said aqueduct near the westerly foot of Delecarlia Hill; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to Cabin John Creek, returning thence along the same line, by return tracks to the place of beginning, with the privilege of constructing a branch line, with a single or double track, from the Conduit road lands south to Chain Bridge, on land to be acquired by the corporation: *Provided*, That there shall be but one railway parallel to and near the Conduit road and there shall never be more than one double track on or over the Canal road, and all acts or parts of acts granting the use of the surface of the Canal road, or any part thereof, for laying railway tracks thereon and operating cars thereon are hereby repealed; and wherever the route specified in this act is parallel with or coincides with the route of any other railway the two companies shall maintain and use but one set of double tracks, and any violation of this provision by the said Washington and Great Falls Electric Railway Company shall operate as a repeal of this charter; and matters of dispute between the companies respecting railways parallel to the Conduit road, and affecting the same, whether in the District of Columbia or in Maryland shall be referred to and determined by the Secretary of War and matter in dispute between the companies respecting railways on the

Water mains.

Wall on Canal road (repealed).

Route.

But one railway shall be parallel to Conduit road.

Coinciding tracks.

Canal road shall be determined upon the application of either road to any court in the District of Columbia having competent jurisdiction. The inner rail of said Washington and Great Falls railway shall not at any place on the line of said railway be less than one hundred feet from the middle of the paved portion of the Conduit road. Wherever the said railway shall run over or across any of the lands of the United States or any of the accessory works of the Washington Aqueduct as provided in this act, it shall be done only on such lines, in such manner, and on such conditions as shall be approved by the Secretary of War and accepted by said company, and no works shall be done on said railway on any of said lands until after such approval and acceptance in writing. No steam cars, locomotives, or passenger or other cars for steam railways shall ever be run over the tracks of said railway within the District of Columbia or on said lands. So much of said railway as may be in the State of Maryland must first have the approval of the authorities of said State. Said company shall, before commencing work on said railway, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct the sum of five thousand dollars, to defray all the expenses that may be incurred by the United States in connection with the inspection of the company's work on the lands of the United States and any of the company's work that may affect the interests of the United States, and in making good any damages done by said company or its works to any work or land or other property of the United States, and in completing, as the Secretary of War may deem necessary, any of the company's work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of the Washington Aqueduct and the works pertaining thereto, including its telephone line, or for the proper drainage of the United States lands, its reservoirs and other works, or for the proper use and orderly appearance of the Conduit road; and the said company and its successors shall also deposit as aforesaid such further sums for said purposes and at such times as the Secretary of War shall direct. The said moneys shall be disbursed like other moneys appropriated for the Washington Aqueduct, and whatever shall remain of said deposits after the completion of the work for which they may be obtained shall be returned to said company with an account of their disbursement in detail. The disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. During the construction and after the completion of said railway its agents and servants, when on the public land of the United States, shall be subject to such regulations as the Secretary of War may prescribe. The provisions of this act, as far as applicable shall apply to any extension of this railway in the State of Maryland that may be granted by the authorities of said State; and the said Washington and Great Falls Railway may cross

Rails to be 100 feet from center of Conduit road.

Route across aqueduct lands.

Deposit.

Disbursement.

the projection of the United States land at a point on the south side of the Conduit road just west of the distributing reservoir, and the provisions of section fifteen of the act of Congress approved February twenty-eight, eighteen hundred and ninety-one, entitled "An act to incorporate the Washington and Arlington Railway Company, of the District of Columbia," shall control and govern all the privileges granted by this act to the Washington and Great Falls Electric Railway Company, and said section shall be held to include the Washington Aqueduct and its tunnels and all other works connected therewith. Said Washington and Great Falls Railway shall everywhere be constructed in a neat and substantial manner, of good material, subject, for such parts of the line as are within the jurisdiction of the Commissioners of the District of Columbia, to the supervision and approval of said Commissioners, and, for such parts of the line as are in any jurisdiction outside of the District of Columbia, to the supervision and approval of the proper authorities of such jurisdiction; the gauge of the track to be the same as that of the Washington and Georgetown Railway; and the said Washington and Great Falls Railway Company shall where its tracks run on or across any street or road which is under the jurisdiction of the Commissioners of the District of Columbia, or across any other road outside the District of Columbia, pave the same between the rails and sets of rails and two feet outside thereof with such material and in such manner as shall be approved by such proper authorities, as the case may require, and shall keep the same in repair at its own expense; and if the said corporation shall fail to make any necessary repairs within ten days after notice has been given by said authorities, the repairs shall be made by said authorities and the cost thereof, except as hereinbefore provided, if not paid voluntarily, shall be recovered by them before any court of competent jurisdiction; and the amount of such repairs shall be a lien upon all property of said company from the time the same are made until paid by the company. That the said corporation shall operate its said road by electric power, and for this purpose it is hereby authorized to erect and maintain such poles and aerial lines as may be necessary for the proper conduct of said power; such lines to be built in the most perfect and substantial manner, *Provided*, That in order to prevent any danger or damage to the United States telephone line between the Great Falls of the Potomac and Washington, belonging to the Washington Aqueduct, or to its instruments, from the electric wires of said railway company, the said company shall, at all times and at its own expense remove, change, and protect said telephone line in such manner as may be directed by the Secretary of War. The said corporation shall, before operating said railway, erect and maintain subject to the approval of the Secretary of War, at its own expense, a neat, well-painted, and substantial fence, four

Construction.

Gauge.

Paving.

Poles and wires.

Fence.

feet in height, on each side of its tracks, through the lands of the United States, and also at such places along the Conduit road as the Secretary of War may deem necessary, with suitable openings and crossings for roadways, and at such places as the Secretary of War shall consider to be required for the safety of the use of said roadways. That the said corporation shall, at its own expense, maintain electric lights along the entire length of its railway during the hours after nightfall that its cars shall run, and at least until twelve o'clock and thirty minutes antemeridian, which lights shall be located so as to light all roads on and across which it shall pass, and shall be placed at such points along the proposed road as the Secretary of War shall direct, and shall also light Chain Bridge in the same manner and during the same hours. No claim for damages shall ever be made by said company or its successors in consequence of the exercise of any of the rights of the United States under this act. (The construction of said railway on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street, and the operations of said company in respect of the safety of such mains, fixtures, or apparatus shall always be subject to the control and direction of the Secretary of War, and subject to the right of the Secretary of War or other lawful public authority to interrupt the construction or use of said railway, whenever necessary for the protection or repair of such mains, fixtures, or apparatus.) Efficient signals by gong or bell shall be made by every car before and during the crossing of the Conduit road. The rate of speed at which the cars may run on said road shall not exceed five miles per hour on or across any street or road, and the fare for riding over the said road shall not exceed ten cents each way per passenger, and this amount may be divided into divisions of five cents each. The work of construction and the operating of said railway by said company on the lands of the United States shall be subject to such regulations as the Secretary of War may prescribe, and the exercise of the rights by this act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company or by its successors to make the deposits or to comply with any of the conditions, requirements, and regulations aforesaid.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, which capital stock may be increased from time to time upon a majority vote of the stockholders, but not to exceed the actual cost of right of way, construction, equipment, station houses and other buildings necessary to the operation of said road. The said company shall

Lights.

Mains.

Signals.

Speed.

Construction and operation.

Stock.

Payments.

Sale of stock in default.

Passenger rooms, etc.

Bonds.

Bonds and mortgages.

require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the incorporators, the amounts severally subscribed by them, as follows, to wit: Fifty per centum at the time of subscribing, and the remainder at such times and in such amounts as the board of directors shall require, and no subscription shall be deemed valid unless the fifty per centum thereof shall be paid at the time of subscribing; the remainder of said subscription to be paid at such times and in such amounts as the board of directors may require, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, as required by the board of directors, after thirty days' notice in writing, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as will pay the installments; and the person who shall offer to take the least number of shares for the assessments due shall be taken as the highest bidder, under such general regulations as may be provided in the by-laws of the company, but no stock shall be sold for less than the total assessments due and payable; or the company may sue and collect the same from a delinquent subscriber in any court of competent jurisdiction. No certificate of stock shall be issued until the par value thereof has been fully paid up. The company may buy, lease, or construct such passenger rooms, ticket offices, depots, workshops, and buildings as may be necessary, at such points, not on the land of the United States, along the lines as the business of the railway and the convenience of the public may require, and connect its tracks therewith; all of the above subject to the approval of the proper authorities. Whenever one-fourth of the capital stock of the company so subscribed shall have been paid in, bonds may be issued, in the discretion of the board of directors, to an amount not exceeding the balance of the stock unpaid, which bonds may be secured by mortgage of its franchise and property, real and personal: *Provided*, That the moneys raised on said bonds shall be used and expended only for the completion and improvement of said road and the equipment thereof. But this section is subject to the provision that said corporation shall not have or issue any greater number of shares of stock than the nominal value of such shares shall equal the actual and necessary cost of the construction and equipment of such railroad, which sum shall first be ascertained and authorized upon petition therefor to the Supreme Court of the District of Columbia, under such rules and regulations as the chief justice and judges thereof shall prescribe efficient to limit the stock of such corporation in the aggregate to the actual and necessary cost thereof. That if it shall be desired by such corporation to issue bonds upon its said property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for such court, or the chief justice or justices thereof, as the case may be, or

one of them, upon public notice, to be prescribed by the rules of the court, to permit the issuance of such bonds and mortgage if desired: *Provided, however*, that an amount of stock equal to the bonds so issued shall be first canceled, and adjudged annulled: *Provided*, That if in the course of the construction and equipment of such railroads it should appear that the amount of stock authorized as provided herein should not be sufficient for the purposes desired, the said Court may upon further petition and hearing authorize the issuing of such further stock as in its judgment may be deemed necessary to carry out the purposes of this act: *And provided further*, that such stock and bonds may be issued as the work progresses.

SEC. 3. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any of them refuse or neglect to act, then the majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient place in the District of Columbia, from ten o'clock in the forenoon until four o'clock in the afternoon, for a period to be fixed by the corporators, not less than two days, unless the whole stock shall be sooner subscribed; and the said corporators shall give public notice, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and place where the said books shall be opened; and the subscribers upon said books to the capital stock of the said company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, fifty per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be void; and when the books of subscription to the capital stock of said company shall be closed the corporators, and, in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter, for the choice of directors, of which said meeting notice shall be given in a daily newspaper published in the city of Washington and by written notice mailed to each stockholder, and each stockholder shall be entitled to one vote for each share of stock standing in his name on the books of the company, which vote may be cast in person or by proxy: *Provided*, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered, whose route shall be substantially the same as the route herein provided for; and any such consolidation shall of itself operate as a forfeiture of this charter. If the charter or franchise herein granted be sold or transferred to any company or person before the road shall have been fully constructed, such sale or transfer shall of itself operate as a forfeiture of this charter.

SEC. 4. That the government and direction of the affairs of the company shall be vested in the board of directors, which shall consist of seven members, who shall be stock-

Meeting of corporators.

Subscription to stock.

Payments.

Meeting of stockholders.

Consolidation forbidden.

Directors.

holders of record and shall hold their office for one year and until others are duly elected and qualified, and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the company, and they shall also choose a vice-president, a secretary, and a treasurer, each of whom shall give bond, with surety, to the company, in such sum as the directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors from any cause such vacancy shall be filled by the remaining directors. The directors shall have power to make such rules, regulations, and by-laws as they may deem needful and proper for the management of the stock, property, estate, and effects of the company not contrary to the charter or the laws or ordinances in force in the District of Columbia. There shall be an annual meeting of the stockholders for the choice of directors, to be held at such time and place and under such conditions and upon such notice as the said company in its by-laws may prescribe, and the said directors shall annually make a report, in writing, of their doings to the stockholders. Said company shall have at all times, except as otherwise provided, a free and uninterrupted use of the railway, and if any person or persons shall willfully, mischievously or unnecessarily obstruct or impede the passage of cars on the railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operators while in transit, or destroy or injure the cars of said railway, or depot, or stations, or other of the property belonging to the said railway, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties are recovered in the jurisdiction in which the offense may be committed; and shall be liable in addition to said penalty for any loss or damage occasioned to said company by his or her or their acts as aforesaid, to be recovered by said company for its use before any court of competent jurisdiction. No person shall be prohibited the right to travel on the cars of the said road or be ejected therefrom by the company for any other cause than being drunk, disorderly, or contagiously diseased, or for the use of obscene language, or refusing to pay the legal fares exacted, or to comply with the lawful regulations of the company. The said company shall have the right of way across all duly authorized railways within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railway in such construction nor shall it cross any steam railroad at grade: *And provided also*, That the said Washington and Great Falls Electric Railway, and all railways crossed by it shall be subject to such provisions and regulations for the safety of passengers at said crossings as the proper authorities may prescribe. The principal office of said company shall be situated in the city of

Officers.

By-laws.

Annual meeting.

Free use of roadway.

Crossings.

Principal office.

Washington, and all books and papers belonging to the business of said company shall be kept thereat and open at all times to the inspection of the stockholders. The book in which transfers of the stock are entered and recorded shall be closed, for the purpose of such transfers, thirty days before the annual meeting.

SEC. 5. That for the purpose of locating, constructing, maintaining, and operating the stations, tracks, railroads, shops, and other structures or buildings herein provided for, said company is hereby authorized and empowered to take, acquire, and hold in fee simple the land necessary for such purposes; but before proceeding so to do the said company shall first obtain the assent of the owner or owners of said land, and if such owner or owners shall be absent from the said city of Washington, or the District of Columbia, or shall refuse to give such assent on such terms as such company shall approve, or by reason of infancy, coverture, or insanity, or any other cause, shall be legally incapable of giving such assent, it shall be lawful for said company to make application, in writing, to the Supreme Court of the District of Columbia, or a judge thereof, for the appointment of three commissioners to estimate the damages which the owner or owners of the land or other property sought to be taken shall sustain by the taking thereof by the said company. Said application shall describe the land or other property sought to be taken, and give the name or names of the owners thereof, as far as the same may be known to said company; and said supreme court of the District of Columbia, or a judge thereof, shall thereupon appoint three discreet and disinterested freeholders of said District of Columbia, none of whom shall be residents or owners of property upon or adjoining the line of said railroad, or interested therein, or related to any person interested in said land or a stockholder in said company; and before said commissioners shall act the clerk of said court shall administer an oath or affirmation to each of them that he will justly and impartially estimate the compensation that the owner or owners of such lands or other property will be entitled to by reason of the taking of the same by the company, and the said supreme court of the District of Columbia, or a judge thereof, shall appoint a time not less than ten nor more than twenty days after due notice to the parties in interest, which notice shall be given in the form required by the order of said supreme court of the District of Columbia, or a judge thereof, appointing said commissioners, and said commissioners shall proceed to estimate, after viewing the premises, the value of the land so proposed to be taken by said company, and the damages, if any, to the residue of the tract so taken or occupied, or to be taken or occupied, or the material so used or taken away, as the case may be, having due regard to and making just allowance for the advantages which may have resulted, or which may seem likely to result, to the owner or owners of said land or materials in consequence of the making or opening of

Necessary land.

Condemnation proceedings.

said railroad and of the construction of the works connected therewith, and after having made a fair and just comparison of said advantages and disadvantages they shall estimate and determine whether any, and, if any, what amount of damages have been or may be sustained, and to whom payable, and make report in writing signed by them, or a majority of them, and file the same with the clerk of the supreme court of the District of Columbia; and if any damages be awarded and the report be confirmed by the said court, judgment shall be entered thereon, and if the amount thereof be not paid within thirty days after the entry of such judgment execution may issue thereon as in the case of other judgments of said court for the sum so awarded, and the cost and expenses incurred shall be defrayed by the said railroad company, and each of said commissioners shall be entitled to ten dollars per day for every day necessarily employed in the performance of the duties herein prescribed, to be paid by such railroad company. Said return of said commissioners shall be confirmed by said court or a judge thereof, at any time after the expiration of ten days from and after the date of the filing of said report with the clerk of said court, unless an appeal from said award shall be taken and perfected as hereinafter provided; and either party may appeal to the said court within ten days from and after the return of the said award to said court by filing notice of such appeal with the clerk of said court, and upon said appeal the case shall be docketed in said court in the ordinary form, in which the company shall be plaintiff and the other parties shall be defendants, and shall be tried by a jury, if either party shall require the same, according to the ordinary course of trial by jury in said court. Should said company desire to take possession of the land and property mentioned in its said application prior to the determination of the appeal, it shall have the right so to do upon filing with the clerk of said court a bond in the penal sum of double the amount of said award, conditioned to pay such judgment as may be given by said court upon the trial of the appeal. The sureties on said bond and the form thereof shall be approved by said court. In case the judgment rendered by the court upon said appeal, either with or without a trial by jury, shall be for a sum less than the amount awarded by the commissioners aforesaid, then the costs shall be paid by the parties defendant; in case the judgment shall be for a greater sum than the amount awarded by the commissioners, then the costs shall be paid by the company, and judgment for costs shall be rendered accordingly. Upon payment of the judgment rendered by said court, either upon the confirmation of the award or upon trial of the appeal, or upon tender of such payment, the company shall be entitled to all the rights, interests, and estate of the parties to the proceeding to the same extent as if the same had been legally conveyed by them in fee simple to said company, unless the said com-

pany shall within ten days after the rendition of said judgment disclaim the taking of said property, which shall be done in writing and filed in said case. An appeal shall lie from the judgment of said court to the supreme court in general term or to the Supreme Court of the United States, as now allowed by law in other cases, and the said company shall be, and is hereby authorized and empowered to construct, operate, and maintain said tracks, and in addition thereto tracks to and into the yards and stations aforesaid, and any of them in connection with the tracks or any of them hereinbefore authorized or prescribed.

SEC. 6. That the work on said road shall commence within one year from and after the passage of this act, and shall be complete its entire distance, and have cars running thereon for the accommodation of the public within two years from the passage of this act; otherwise this charter shall be null and void.

SEC. 7. That said railway company shall, on or before the fifteenth of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the bonded and other indebtedness and the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by affidavit of the president and secretary of said company; and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the Commissioners to cause to be instituted judicial proceedings to forfeit this charter; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year four per centum of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property, used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks and elevated railway structure shall not be taxed as real estate.

SEC. 8. That Congress may at any time amend, alter, or repeal this act.

Approved, July 29, 1892.

Commence-
ment and com-
pletion (re-
pealed).

Annual report.

Taxes.

Amendment.

August 23, 1894. AN ACT To amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway."

Washington and Great Falls Electric Ry. Co. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* the Act of Congress entitled "An Act to incorporate the Washington and Great Falls Electric Railway Company,"

Amendment. approved July twenty-ninth, anno Domini eighteen hundred and ninety-two, be, and the same is hereby, amended by striking out all that part of the first section of said Act commencing with the word "beginning," in line seventeen, and ending with the words "is to run," in line forty-nine, and inserting in lieu thereof the following:

Change of route. Beginning at a passenger station to be erected and maintained on the square bounded by Prospect, Thirty-fifth, M, and Thirty-sixth streets, northwest, as hereinafter provided for; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly on land to be acquired, except at street crossings, by said company to and across the Foxhall road; thence

At the end of Section one add: Every car shall be brought to a full stop before crossing the Foxhall road. It shall be the duty of the Commissioners of the District of Columbia to inspect, or to cause to be inspected, from time to time, the cars operated on said road, and to require of the said company that all cars and stations shall be of the first class, and shall be maintained in good condition, and that cars shall be run according to schedules which shall accommodate the public; the said Commissioners shall also have the power to make such regulations as to the rate of speed, the use of tracks, the removal of ice and snow from off the tracks, as the public interests may require; failure to comply with any such requirement or regulation, or failure to stop cars before crossing the Foxhall road, shall subject the company to a fine of fifty dollars for each such failure, which fine may be recovered in any court of competent jurisdiction.

Schedule. Removal of ice and snow. Time for building extended. SEC. 2. That section six of said charter be, and the same is hereby, repealed: *Provided, however,* That the said road shall be completed to the boundary of the District of Columbia and have cars running thereon regularly for the accommodation of the public within twelve months and to Cabin John Creek within eighteen months after the passage of this Act; otherwise this Act shall be null and void.

Passenger station near Aqueduct Bridge. SEC. 3. That in order to accommodate the street railway traffic that may converge at or near the Aqueduct bridge, under authority granted or to be granted by Congress, a passenger station is hereby authorized. Such station shall have ample provision for the safe, convenient, and comfortable transfer of passengers to and from the cars of the street railways using the same. All plans for such station and its necessary approaches shall be subject to the written approval of the Commissioners of the District of Columbia. The said Commissioners shall have the power to settle any differences which may arise between the companies

using the said station as to compensation or rentals or as to the necessary regulations for the control of said station. The said passenger station shall be constructed and maintained as a union passenger station, for the use of street railways only, by the Washington and Georgetown Railway Company. Said station shall be located on land already owned or hereafter to be acquired by the aforesaid company, which land shall be bounded on the north by Prospect street, on the east by a line drawn not less than one hundred and twenty feet west of the west line of Thirty-fifth street, on the south by M street, and on the west by Thirty-sixth street northwest. Within one year from the approval of this Act the said Washington and Georgetown Railway Company shall complete the said station and shall extend its tracks on M street northwest to a point not less than one hundred and twenty feet west of Thirty-fifth street, and thence into said station; and thereafter the said company shall cease entirely to switch cars on M street northwest.

SEC. 4. That the street railway companies mentioned in this Act, and hereafter all street railway companies in the District of Columbia, respectively, shall bear all the expenses that may be incurred by the United States in making and inspecting such changes to the water mains, fixtures, or apparatus of the Washington Aqueduct as may be rendered necessary by the construction or extension of such several roads; and the Secretary of War is hereby authorized and directed to make all regulations to carry into effect the provisions of this section.

SEC. 5. That the Act to amend the charter of the Eckington and Soldiers' Home Railway Company, approved July fifth, eighteen hundred and ninety-two, is hereby amended by striking out in Section one, beginning in line six with the words, "Beginning at the intersection of" to and including the words "point of beginning" in line twenty-nine, and inserting in place thereof the following:

Change of route. Beginning at the intersection of Fifth and G streets northwest, east along G street to New Jersey avenue and First street; thence south along First street northwest to C street northwest; thence east along C street (around the south side of Stanton Square by single track) to Fifteenth street northeast; thence north on Fifteenth street to D street northeast; thence west on D street to Fourth street northeast; thence south on Fourth street to C street northeast; thence west on C street to New Jersey avenue; thence north on New Jersey avenue to D street northwest; thence west on D street to First street, and to the point of beginning; also beginning at the intersection of G street northwest and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to New York avenue, connecting with the main line and the North Capitol street branch; also beginning at the intersection of G and Fifth streets northwest; thence south on Fifth street to Louisi-

ana avenue, thence along Louisiana avenue to Sixth street west; thence south along Sixth street to B street northwest; thence west on B street (over its own tracks for such a distance as the Commissioners of the District of Columbia shall determine) to a point to be located by the said District Commissioners near the east curb line of Seventh street northwest, and returning by the same route to Fifth street northwest.

Also by inserting in Section two after the word "hundred" the words, "and fifty."

Also by inserting in Section three, as amended, after the words "two years" the words, "and three months."

Amendment.

SEC. 6. That Congress reserves the right at any time to alter, amend, or repeal this Act.

Approved, August 23, 1894.

June 3, 1896. AN ACT To amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company."

Washington and Great Falls Electric Ry. Co. (charter amended).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate the Washington and Great Falls Electric Railway Company," approved July twenty-ninth, eighteen hundred and ninety-two, and the amendment thereto approved August twenty-third, eighteen hundred and ninety-four, be, and the same are hereby, amended as follows:

Section one shall be amended to read as follows, commencing with the word "beginning," in line seventeen:

Route extended.

"Beginning at a passenger station to be erected and maintained on the square bounded by Prospect, Thirty-fifth, M, and Thirty-sixth streets northwest, as hereinafter provided for; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly on land to be acquired, except at street crossings, by said company, to and across the Foxhall road; thence westerly along the top of the bluff on the north side of the Canal road, and outside and south of the southern boundary of the land of the Washington Aqueduct pertaining to the distributing reservoir, to a point on said boundary not more than six hundred feet from the western boundary of said land; thence across said land, but at no point less than two hundred feet from the outer crest of the dam of said reservoir, to said western boundary; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to the land of the said aqueduct pertaining to the receiving reservoir; thence through said land to a point on the land of said aqueduct near the westerly foot of Dalecarlia Hill; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road, except in the vicinity of Washington Aqueduct boundary stone numbered thirty-one, as hereinafter described, to Cabin

John Creek, returning thence along the same line, by return tracks to the place of beginning, with the privilege of constructing a branch line, with a single or double track, from the Conduit road lands south to Chain Bridge, and a branch line north, beginning and connecting at a point on its main line, about opposite said Chain Bridge; thence running northerly on land to be acquired by said corporation to the Conduit road; thence across the Conduit road at right angles and on the grade of this road; thence northerly on land to be acquired by said corporation, except across and along streets, where necessary, to a point on the Georgetown and Tenallytown Railway at or near the junction of the Loughboro road with the River road. Also, beginning and connecting on Thirty-seventh street northwest at its junction with Prospect avenue; thence north along Thirty-seventh street one hundred and twenty feet; thence easterly on land to be acquired by said corporation two hundred and forty feet; thence southerly on land to be acquired by said corporation one hundred and twenty feet to Prospect avenue and to connect with its present tracks: *Provided*, That there shall be but one railway parallel to and near the Conduit road; and whenever the route specified in this Act is parallel with or coincides with the route of any other railway the two companies shall maintain and use but one set of double tracks, and any violation of this provision by the said Washington and Great Falls Electric Railway Company shall operate as a repeal of this charter; and matters of dispute between the companies respecting railways parallel to the Conduit road, and affecting the same, in the District of Columbia shall be referred to and determined by the Secretary of War; and matters in dispute between the companies respecting railways on the Canal road shall be determined upon the application of either road to any court in the District of Columbia having competent jurisdiction. The inner rail of said Washington and Great Falls Railway shall not, at any place on the line of said railway, be less than one hundred feet from the middle of the paved portion of the Conduit road, except in the county of Montgomery, in the State of Maryland, in which county said inner rail shall not be less than fifty feet from the middle of the paved portion of the Conduit road; and the said railroad may cross, under such conditions as the Secretary of War may impose, the lands of the United States at Chatauqua, between Washington Aqueduct boundary stone numbered thirty-one and a planted stone south thirty-six degrees forty-three minutes west, and distant two hundred and six and five-tenths feet from Washington Aqueduct boundary stone numbered sixty-seven, at which place the inner rail of the tracks shall be not less than sixty-five feet from the middle of the paved portion of the Conduit road: *Provided, however*, That said Washington and Great Falls Electric Railway Company, being authorized thereto by a vote of the majority of its stockholders of record, may contract with any street railway company in the State of

Branch to Tenallytown road.

Coinciding routes.

Location of tracks.

May contract with connecting lines.

Maryland or the District of Columbia, owning or operating a connecting or intersecting line, for the joint management, lease, or purchase of such line or lines, and operate the same in connection and as an extension with its present line, and in case of such contract may provide the means necessary by an increase of its capital stock not to exceed the actual consideration paid or the actual cost of the necessary construction, completion, equipment, and maintenance thereof. And for the purpose aforesaid said company is hereby authorized and empowered to issue its bonds to aid in paying for such construction, completion, motive power, equipment, and maintenance aforesaid and to secure the said bonds by mortgage or deed of trust of its right of way and all its property and franchise of whatever kind, whether real, personal, or mixed, on the whole of said line, its extensions, and branches, and connections, the stock and bonds authorized to be issued and negotiated by said company, to the amount of six hundred and fifty thousand dollars, under the decree of the supreme court of the District of Columbia being hereby confirmed. Wherever the said railway shall run over or across any of the lands of the United States or any of the accessory works of the Washington Aqueduct, as provided in this Act, it shall be done only on such lines, in such manner, and on such conditions as shall be approved by the Secretary of War and accepted by said company, and no work shall be done on said railway on any of said lands until after such approval and acceptance in writing. No steam cars, locomotives, or passenger or other cars for steam railways shall ever be run over the tracks of said railway within the District of Columbia or on said lands. Said company shall, before commencing work on said railway, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct the sum of five thousand dollars, or such other sum as the Secretary of War may deem proper, to defray all the expenses that may be incurred by the United States in connection with the inspection of the company's work on the lands of the United States and any of the company's work that may affect the interests of the United States, and in making good any damages done by said company or its works to any work or land or other property of the United States, and in completing, as the Secretary of War may deem necessary, any of the company's work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of the Washington Aqueduct and the works pertaining thereto, including its telephone line, or for the proper drainage of the United States lands, its reservoirs, and other works, or for the proper use and orderly appearance of the Conduit road; and the said company and its successors shall also deposit as aforesaid such further sums for said purposes and at such times as the Secretary of War shall direct. The said moneys shall be disbursed like other moneys appropriated for the Washington Aqueduct, and whatever shall

Bonds and stock.

Steam cars, etc., prohibited.

Deposit.

Damages to property of United States.

remain of said deposits after the completion of the work for which they may be obtained shall be returned to said company with an account of their disbursement in detail. The disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. During the construction and after the completion of said railway, its agents and servants, when on the public land of the United States, shall be subject to such regulations as the Secretary of War may prescribe. The provisions of this Act, as far as applicable, shall apply to any extension of this railway in the State of Maryland that may be granted by said State; and the provisions of section fifteen of the Act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An Act to incorporate the Washington and Arlington Railway Company, of the District of Columbia," shall control and govern all the privileges granted by this Act to the Washington and Great Falls Electric Railway Company, and said section shall be held to include the Washington Aqueduct and its tunnels and all other works connected therewith. Said Washington and Great Falls Railway shall everywhere be constructed in a neat and substantial manner, of good material, subject, for such parts of the line as are within the jurisdiction of the Commissioners of the District of Columbia, to the supervision and approval of said Commissioners, and for such parts of the line as are in any jurisdiction outside of the District of Columbia, to the supervision and approval of the proper authorities of such jurisdiction; the gauge of the track to be the same as that of the Washington and Georgetown Railway; and the said Washington and Great Falls Railway Company shall, where its tracks run on or across any street or road which is under the jurisdiction of the Commissioners of the District of Columbia, or across the Conduit road or any road outside of the District of Columbia, pave the same between the rails and sets of rails and two feet outside thereof, with such material and in such manner as shall be approved by such proper authorities, as the case may require, and shall keep the same in repair at its own expense; and if the said corporation shall fail to make any necessary repairs within ten days after notice has been given by said authorities, the repairs shall be made by said authorities and the cost thereof, except as hereinbefore provided, if not paid voluntarily, shall be recovered by them before any court of competent jurisdiction; and the amount of such repairs shall be a lien upon all property of said company from the time the same are made until paid by the company. That the said corporation shall operate its said road by electric power, and for this purpose it is hereby authorized to erect and maintain such poles and aerial lines as may be necessary for the proper conduct of said power; such lines to be built in the most perfect and substantial manner: *Provided*, That in order to prevent any danger or damage to the United States telephone line between the Great Falls of the Potomac and Washington, belonging to the Washington Aque-

Construction.

Crossings.

Paving.

Motive power.

To protect U. S. telephone line.

duct, or to its instruments, from the electric wires of said railway company, the said company shall, at all times and at its own expense remove, change, and protect said telephone line in such manner as may be directed by the Secretary of War. The said corporation shall erect and maintain, subject to the approval of the Secretary of War, at its own expense, a neat, well-painted, and substantial fence, four feet in height, on each side of its tracks, through the lands of the United States, and also at such places along the Conduit road as the Secretary of War may deem necessary, with suitable cattle guards, openings, and crossings for roadways, and at such places as the Secretary of War shall consider to be required for the safety of the use of said roadways.

Lights. "That the said corporation shall, at its own expense, maintain electric lights during the hours after nightfall that its cars shall run, and at least until twelve o'clock antemeridian, which lights shall be located so as to light all roads on and across which the railway shall pass and such other points along the proposed route as the Secretary of War shall direct. No claim for damages shall ever be made by said company or its successors in consequence of the exercise of any of the rights of the United States under this Act. The crossing over the Conduit road shall be made to conform to all changes of grade of this road. The construction of said railway on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street; and the operations of said company in respect of the safety of such mains, fixtures, or apparatus shall always be subject to the control and direction of the Secretary of War, and subject to the right of the Secretary of War or other lawful public authority to interrupt the construction or use of said railway, whenever necessary for the protection or repair of such mains, fixtures, or apparatus. Efficient signals, by gong or bell, shall be made by every car before and during the crossing of the Conduit road, and, if the Secretary of War shall deem necessary and shall so direct, every car shall, before crossing this road, be brought to a full stop. The rate of speed at which the cars may run on said road shall not exceed five miles per hour on or across any street or road, and the fare for riding over the said road shall not exceed ten cents each way per passenger, and this amount may be divided into divisions of five cents each. The work of construction and the operating of said railway by said company on the lands of the United States shall be subject to such regulations as the Secretary of War may prescribe, and the exercise of the rights by this Act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company or by its successors to make deposits or to comply with any of the conditions, requirements, and regulations aforesaid.

Shall erect
fence.

Lights.

Construction
over water
mains, etc.

Signals at
crossings.

Speed at cross-
ings.

"Every car shall be brought to a full stop before crossing the Foxhall road. It shall be the duty of the Commissioners of the District of Columbia to inspect, or cause to be inspected, from time to time, the cars operated on said road, and to require of said company that all cars and stations shall be of the first class, and shall be maintained in good condition, and that cars shall be run according to schedules which shall accommodate the public; the said Commissioners shall also have the power to make such regulations as to the rate of speed, the use of tracks, the removal of ice and snow from off the tracks, as the public interests may require; failure to comply with any such requirement or regulation, or failure to stop cars before crossing the Foxhall and Conduit roads, shall subject the company to a fine of fifty dollars for each such failure, which fine may be recovered in any court of competent jurisdiction."

Section two shall be amended to read as follows:

"Sec. 2. That the capital stock of said company shall be six hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which capital stock may be increased from time to time upon a majority vote of the stockholders, but not to exceed the actual cost of right of way, construction, equipment, station houses, and other buildings necessary to the operation of said road. The said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the incorporators, the amounts severally subscribed by them, as follows, to wit: Fifty per centum at the time of subscribing and the remainder at such times and in such amounts as the board of directors shall require, and no subscription shall be deemed valid unless the fifty per centum thereof shall be paid at the time of subscribing; the remainder of said subscription to be paid at such times and in such amounts as the board of directors may require, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, as required by the board of directors, after thirty days' notice in writing, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as will pay the installments; and the person who shall offer to take the least number of shares for the assessments due shall be taken as the highest bidder, under such general regulations as may be provided in the by-laws of the company, but no stock shall be sold for less than the total assessments due and payable; or the company may sue and collect the same from a delinquent subscriber in any court of competent jurisdiction. No certificate of stock shall be issued until the par value thereof has been fully paid up. The company may buy, lease, or construct such passenger rooms, ticket offices, depots, workshops, and buildings as may be necessary, at such points, not on the land of the United States, along the lines as the business of the railway and the convenience of the public may require, and connect its tracks

Crossing Fox-
hall road.

Cars.

Schedule.

Speed, use of
tracks, etc.

Capital stock.

How paid in.

Sale of delin-
quent stock.

Buildings.

Bonds.

therewith; all of the above subject to the approval of the proper authorities. Whenever one-fourth of the capital stock of the company so subscribed shall have been paid in, bonds may be issued, in the discretion of the board of directors, to an amount not exceeding the balance of the stock unpaid, which bonds may be secured by mortgage of its franchises and property, real and personal: *Provided*, That the moneys raised on said bonds shall be used and expended only for the completion and improvement of said road and the equipment thereof. But this section is subject to the provision that said corporation shall not have or issue any greater number of shares of stock than the nominal value of such shares shall equal the actual and necessary cost of the construction and equipment of such railroad: *Provided, however*, That an amount of stock equal to the bonds so issued shall be first canceled and adjudged annulled: *And provided further*, That such stock and bonds may be issued as the work progresses."

Section three shall be amended to read as follows:

Subscription to stock.

Meeting of corporation.

Repeal.

Amendment, etc.

"SEC. 3. That within thirty days after the passage of this Act the corporators named in the first section, or a majority of them, or if any of them refuse or neglect to act, then the majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient place in the District of Columbia, from ten o'clock in the forenoon until four o'clock in the afternoon, for a period to be fixed by the corporators, not less than two days, unless the whole stock shall be sooner subscribed; and the said corporators shall give public notice, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and place where the said books shall be opened; and the subscribers upon said books to the capital stock of the said company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing, fifty per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be void; and when the books of subscription to the capital stock of said company shall be closed, the corporators, and, in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter, for the choice of directors, of which said meeting notice shall be given in a daily newspaper published in the city of Washington and by written notice mailed to each stockholder, and each stockholder shall be entitled to one vote for each share of stock standing in his name on the books of the company, which vote may be cast in person or by proxy."

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 3, 1896.

WASHINGTON RAILWAY AND ELECTRIC COMPANY.

June 5, 1900.

*AN ACT Relating to certain railway corporations owning or operating street railways in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Anacostia and Potomac River Railroad Company, the Brightwood Railway Company of the District of Columbia, the Capital Railway Company, the City and Suburban Railway Company, the Columbia Railway Company, the Georgetown and Tenallytown Railway Company, the Metropolitan Railroad Company of the District of Columbia, and the Washington and Great Falls Electric Railway Company may, under the authority of this Act, and the Washington and Rockville Railway Company, the Washington, Woodside and Forest Glen Railway and Power Company, and the Washington and Glen Echo Railroad Company may also, if not inconsistent with the laws of Maryland, from time to time, by their respective boards of directors, enter into contracts with each other, or with any of the others, for the use of their respective roads or routes, or any part thereof. No such contract shall take effect until the same shall have been approved by the written consent of the owners of record of at least three-fourths of the capital stock of each corporation, or by the vote of the owners of three-fourths of such capital stock represented at a special meeting called and held as prescribed by law: *Provided*, That in case any corporation enters into any such contract it is hereby authorized to change its corporate name to any other corporate name not then lawfully used by any existing corporation incorporated or organized in the said District. Such change may be made by a certificate signed and acknowledged by a majority of the directors of such corporation and filed with the recorder of deeds for the District of Columbia.

May enter into contracts for use of respective routes.

Change of name.

SEC. 2. That the Washington and Great Falls Electric Railway Company may acquire and hold stock in any street railway corporation specifically named above with which it is authorized by the terms of this Act to enter into a contract for the use of its road or route, and may provide for payment for the same by issuing additional amounts of its own capital stock in such classes and with such preferences as it may determine, or by issuing its bonds, secured by mortgage or deed of trust upon its right of way, property, and franchises, or other obligations, or by issuing both such stock and bonds or other obligations to an amount not exceeding the amounts of the actual consideration paid or payable for the stock so acquired, and may also issue further amounts of its stock or bonds or other obligations not

Stock and bonds.

^a By deed dated February 4, 1902, the Washington and Great Falls Electric Railway Company acquired the Columbia Railway Company and the Metropolitan Railway Company and changed its own name to the Washington Railway and Electric Company by virtue of this act.

Capital stock. exceeding the amounts of the actual consideration paid, or to be paid, for any equipment or extensions of any such road or route or for electric power therefor: *Provided*, That the capital stock of said company shall at no time exceed fifteen million dollars. Whenever the said Washington and Great Falls Electric Railway Company shall have acquired a majority of all the stock issued by any such corporation, it shall have power to guarantee the bonds or other obligations of such corporation and to purchase such bonds or other obligations. The Washington and Great Falls Electric Railway Company may also agree with any corporation specifically named above with which it is authorized by this Act to enter into a contract for the use of its road or route for the purchase of the estate, property, rights, and franchises of such other corporation, and for payment for the same in cash or in the stock or bonds or other obligations of said Washington and Great Falls Electric Railway Company, to be issued in the manner and subject to the limitation hereinbefore provided; and each such corporation is hereby empowered, with the consent in writing of the owners of three-fourths of its capital stock, to enter into such contract of purchase and sale through its board of directors.

Upon the execution of such contract of purchase and the payment or delivery of the consideration therein agreed upon the estate, property, rights, and franchises of the corporation selling the same shall vest in and be held and enjoyed by the Washington and Great Falls Electric Railway Company as fully and entirely, without change or diminution, as the same were before held and enjoyed by the company selling the same, and shall be managed and controlled by the board of directors of the said Washington and Great Falls Electric Railway Company in its corporate name or in such other name as it shall adopt by the filing of a certificate as hereinbefore authorized: *Provided*, That the existing liabilities of the selling corporation and the rights of its creditors shall not be affected thereby: *And provided further*, That no action or proceeding to which any corporation whose estate, property, rights, and franchises shall be acquired as herein provided is a party shall abate in consequence thereof, but the same may be continued in the name of the party by or against which the same was begun, unless the court shall order the said Washington and Great Falls Electric Railway Company to be substituted in its place.

Approval of stockholders. The approval of stockholders herein provided for may be given by the consent in writing of the owners of record of three-fourths of the capital stock of each company, or by the vote of the owners of three-fourths of the capital stock of each company, represented at a special meeting called and held as prescribed by the by-laws of the respective companies or by law. Whenever a certificate shall be filed with the recorder of deeds for the District of Columbia, signed and acknowledged by a majority of the board of directors of each of the corporations to be affected thereby, showing that a contract of purchase and sale has been

Certificate to be filed with recorder of deeds.

made and approved as herein provided, such certificate shall be presumptive evidence of the facts therein set forth. Upon the filing of such certificate a notice shall be mailed to each stockholder of record in such corporations, setting forth the time when and place where such certificate was filed, and if within thirty days after the mailing of such notice any stockholder of any of the companies affected thereby shall give notice in writing to the said Washington and Great Falls Electric Railway Company that he dissents from such contract, it shall be the duty of the said company, within sixty days after the filing of such certificate, to institute a proceeding for the appraisal of the shares of such dissenting stockholder. If any stockholder shall omit to give such notice of dissent, he shall be deemed to have assented to such contract. Said proceeding for appraisal may be begun by filing with the supreme court of the said District a petition praying for the appointment of three persons to appraise the value of such stock. The court shall thereupon appoint three such appraisers and designate the time and place of their first meeting. The court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve or otherwise. The appraisers shall meet at the time and place designated, and after being sworn honestly and faithfully to discharge their duties, shall appraise such stock at its full value, without regard to any appreciation or depreciation thereof in consequence of such contract of purchase and sale; and said award, when confirmed by the court, shall be final and conclusive on all parties. The charges and expenses of the appraisers shall be paid by the said Washington and Great Falls Electric Railway Company. If the person entitled to receive the amount of the award shall refuse to accept the same, or if for any reason it shall not be possible to make payment of the amount of the award to such person entitled to receive the same, without unreasonable delay, the court may direct the same to be deposited in court. When the said company shall have paid or deposited in court the amount fixed by the appraisers as the value of the shares of the dissenting stockholder, such stockholder shall cease to have any interest in said appraised stock or in the property or franchises represented thereby, and the said Washington and Great Falls Electric Railway Company shall receive back from the corporation whose estate, rights, property, and franchises it has acquired, that portion of the consideration for such sale, or of the proceeds thereof, which otherwise would have been distributed to such dissenting stockholder. If such payment or deposit is not made within thirty days from the confirmation of the appraisal, the amount of the award, with interest from the date of confirmation, shall be a judgment against the said Washington and Great Falls Electric Railway Company, and may be entered, docketed, and collected as other judgments in said court are by law

Appraisal.

collectible. If the said company shall omit to institute the proceeding hereinbefore required, within the time hereby limited, the stockholder giving such notice may institute such proceeding by a proper petition on his own behalf or, at the election of such stockholder, the estate, rights, property, and franchises of the selling corporation shall revert in such corporation, and the consideration received therefor shall be repaid to the said Washington and Great Falls Electric Railway Company.

All obligations imposed by law upon the Washington and Great Falls Electric Railway Company in respect to the time and mode of constructing its railway, or the motive power to be employed, or the speed or frequency at which cars are to be run, or in respect to any other matter affecting the interests of the United States, or of the general public, or the people of the said District, except as such obligations are expressly modified or repealed by this Act, shall continue to be applicable to the road or route now belonging to said corporation, and shall be confined thereto: *Provided*, That the Washington and Great Falls Electric Railway Company, on the purchase of the property or franchises of any or all of said railroad companies as in this bill authorized, shall be empowered to charge over the said route or routes thus acquired the rates of fare now authorized by law to be charged thereon by the respective companies owning or operating the same, and no more: *And provided further*, That the right or privilege granted by section one of the Act approved July twenty-ninth, eighteen hundred and ninety-two, entitled "An Act to incorporate the Washington and Great Falls Electric Railway Company," by which said company is authorized to charge a fare of ten cents per passenger for transportation over the line of railway authorized and described by said Act, be, and the same hereby is, amended so as to limit the rate of fare on said line of railway to five cents per passenger, and said Washington and Great Falls Electric Railway Company is hereby required to sell tickets at the rate of six for twenty-five cents, each good for the transportation of one passenger over the whole or any part of its said line of railway authorized and described by said Act within the District of Columbia.

Fare.

Existing characters of constituent roads.

Electric Power Companies.

All obligations imposed by law upon any corporation whose road or route is acquired in accordance with the provisions of this Act, except as the same may be expressly modified or repealed by this Act, shall continue to be applicable to such acquired road or route and shall be confined thereto, and such road or route shall be acquired subject to such obligations and with all the rights and powers possessed by the selling corporation.

SEC. 3. That the Washington and Great Falls Electric Railway Company may acquire and hold shares of the capital stock or other securities of any company supplying or under contract to supply electric power in the operation of its railway to it or to any of the corporations whose

shares of stock or whose property and franchises it is authorized to acquire under this Act; and as a part of any contract for the supply of said power the said Washington and Great Falls Electric Railway Company may exchange its stock and securities for the stock and securities of any such electric power company, and may guarantee the securities of any such power company, but in no event shall said railway corporation be authorized to receive a transfer of the property or franchises of such electric power company.

SEC. 4. That the Washington and Great Falls Electric Railway Company is hereby authorized from time to time to make such changes in the number of its directors as its by-laws may provide, and also to limit and regulate in its by-laws the times and conditions of the examination of its books and records by stockholders: *Provided*, That the stock and transfer books shall at all times, during business hours, be open to the inspection of stockholders.

Directors.

SEC. 5. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 6. That Congress reserves the power to alter, amend, or repeal this Act.

Approved, June 5, 1900.

WASHINGTON AND MARLBORO ELECTRIC RAILWAY COMPANY.

AN ACT To authorize the Washington and Marlboro Electric Railway Company, of Maryland, to extend its line of road into and within the District of Columbia. March 2, 1895.
28, Stats. p. 717.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Marlboro Electric Railway Company, incorporated by an act of the general assembly of Maryland, entitled "An Act to incorporate the Washington and Marlboro Electric Railway Company," and so forth, approved on the eighth day of April, eighteen hundred and ninety, is hereby authorized to construct and lay down a street railway, with the necessary switches, turn-outs, and other mechanical devices, in the District of Columbia, and run cars thereon through and along the following routes:

Beginning at and on the southeasterly boundary line of the District of Columbia where the line of railway of said company within the State of Maryland shall reach the same, and running thence by Suitland road, Bowen road, and Branch avenue, or other practicable route which may be approved by the Commissioners of the District of Columbia, to connect with Pennsylvania avenue extended; thence by and with said avenue to and across the tracks of the Baltimore and Ohio Railroad on Railroad avenue; thence along Railroad avenue to Naylor road and by the same to the Anacostia River; thence across the Anacostia River by a steel or iron truss bridge resting on masonry piers built parallel to the direction of the current, with pile or other secure and approved foundations, and with spans not less than those of the Pennsylvania avenue bridge, and with a wide drawspan over the channel. The plans of said bridge shall be approved in writing by the Secretary of War, and the bridge shall be built by said company over and above the tracks of the Baltimore and Potomac Railroad in such manner and at such height as not to interfere with the use of said railroad; and thence to the intersection of Pennsylvania avenue and Fifteenth street southeast by a route to be approved by the Commissioners of the District of Columbia; thence north on Fifteenth street east, to Florida avenue; thence northwesterly on Florida avenue to Seventh street northwest; also, when the proposed extension of Pennsylvania avenue shall have been completed to Bowen road, then the route of said railroad may be extended from the intersection of Branch avenue therewith to Bowen road, and by further practicable route as may be approved by the

Route.

Bridge over
Anacostia River.

Plan of bridge.

Extension of
route.

Commissioners of the District of Columbia to the boundary line of the said District at or near the Suitland road: *Provided*, That such extension of the road shall be made within one year after the opening of Pennsylvania avenue to the Bowen road. These routes may be modified or extended at the will of Congress, and the said railway company shall comply with such modifications or extensions.

Widening of streets. SEC. 2. That whenever the roadway of any street occupied by the said railway company is widened, one-half of the cost of widening and improvement of such widened part shall be charged to the said railway company and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof is collectible under the provisions of section 5 of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Route in country road. SEC. 3. That when the route described coincides with that of a country road of less width than sixty-six feet the railway shall be constructed entirely outside the road.

Construction. SEC. 4. That the said railway shall be constructed in a substantial and durable manner; and all rails, electrical and mechanical appliances, conduits, stations, and so forth, shall be of approved pattern.

Paving. SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct, and whenever any street occupied by said railway is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners, the work shall be done by the proper officials of the District of Columbia and the amounts due from said corporation shall be collected as provided by section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Lights. SEC. 6. That if the said railway be operated by overhead wires the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but no overhead wires shall be constructed or used within the limits of the city of Washington.

Change of grade, etc. SEC. 7. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewerage thereof. In such event it shall be the duty of said company to change its said rail-

way and the pavement so as to conform to such grades and improvements as may have been established.

SEC. 8. That it shall be lawful for said railway company, its successors or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means aforesaid. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind, then the expense necessary to change such underground constructions shall be borne by the said railroad company.

SEC. 9. That the said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company, or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may consider necessary, any of the work that the said company may neglect or refuse to complete, and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus; and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War.

SEC. 10. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of a cable-motor, electric, pneumatic, or other railroad.

SEC. 11. That the line of the said railway company shall be commenced within one year and completed within two years from the passage of this Act.

SEC. 12. That the said company may run public carriages propelled by cable, electric, or other mechanical power; but

Trenches, etc.

Deposit for water mains.

Engine houses, etc.

Commencement and completion.

Motive power.

nothing in this Act shall allow the use of steam power in locomotives: *Provided further*, That for the purpose of making a continuous connection, the said company shall have the right to cross all streets, avenues and highways that may be deemed necessary for this purpose: *Provided*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street railway company in the District of Columbia, the tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which, and the regulations under which, the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines; that said corporation is authorized and empowered to propel its cars over the line of any other road or roads which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this Act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be summarily determined upon the application of either road to any court in said District having competent jurisdiction.

Crossings.
Coinciding routes.
Passenger houses.
Cars.
Time-table.
Speed.

SEC. 13. That the said company shall furnish and maintain passenger houses as required by the Commissioners of the District of Columbia, and shall place first-class cars on said railway with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, according to a time-table approved by the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

SEC. 14. That the Commissioners of the District of Columbia may make such regulations as to rate of speed,

mode of use of tracks, and removal of ice and snow as in their judgment the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation, said company shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

SEC. 15. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

SEC. 16. That said company shall, on or before the first of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and, if said report is not made at the times specified or within ten days thereafter, such failure shall of itself operate as a forfeiture of the privileges and rights herein granted, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings within the District of Columbia, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: *Provided*, That the payment of the said four per centum of its gross earnings shall not be required during the period of five years after the commencement of the operation of said railway, or any part thereof. Its real estate shall be taxed as other real estate in the District of Columbia: *Provided further*, That its tracks shall not be taxed as real estate.

SEC. 17. That said company may receive a rate of fare not exceeding five cents per passenger; and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its roads: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

Free use of roadway.

SEC. 18. That the said company shall have at all times the free and uninterrupted use of the roadway, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Crossings.

SEC. 19. That the said railway company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this Act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

Ejection from cars.

SEC. 20. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Condemnation of land.

SEC. 21. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding fifty feet in width, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

Guaranty deposit.

SEC. 22. That the said railway company shall deposit with the collector of taxes, District of Columbia, the sum of one thousand dollars, within sixty days from the passage of this Act, as a guaranty that it will commence and complete its road within the time herein limited. Should the said railway company fail to commence or complete the construction of its road within the limit of time prescribed by this Act, said sum of one thousand dollars shall be forfeited by the said railway company, and shall be deposited by the collector of taxes with the United States Treasurer to the credit of the United States and the District of Columbia, in equal parts.

Plans.

SEC. 23. That all plans relating to the location and construction of said railway shall be subject to the approval of the Commissioners of the District of Columbia, or their successors, and all work shall at all times be subject to

their supervision. The said corporation shall, from time to time, deposit with the collector of taxes, District of Columbia, such amounts as may be deemed necessary by said Commissioners to cover the cost of inspection, supervision, pavement, and repairs.

SEC. 24. That all the conditions, requirements, and obligations imposed by the terms of this Act upon the Washington and Marlboro Electric Railway Company shall be complied with by any and all the successors to and assigns of said Company.

SEC. 25. That this Act may at any time be altered, amended, or repealed by the Congress of the United States.

Approved, March 2, 1895.

AN ACT to amend the charter of the East Washington Heights Traction Railroad Company. April 8, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the East Washington Heights Traction Railroad Company, of the District of Columbia, be, and the same is hereby, amended so as to authorize and permit the said company to lay down its tracks and operate its cars from its present authorized terminus at the western approach to the Pennsylvania Avenue Bridge, as provided in section one of the Act of incorporation; thence north on Seventeenth street east to East Capitol street; thence west on East Capitol street to Fifteenth street east, connecting with the Metropolitan Railway; also from the intersection of Minnesota avenue and Harrison street thence westerly on Harrison street to Pierce street; thence southerly on Pierce street to Jackson street; thence westerly along Jackson street to Monroe street; also northward on Minnesota avenue as laid down on the highway-extension plans, to connect with the Columbia Railway at Benning, over a route and at a point acceptable to and approved by the Commissioners of the District of Columbia.

SEC. 2. That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same is hereby, extended for the term of two years from the eighteenth day of June, nineteen hundred: *Provided*, That if within two years from the date of the passage of this Act the Washington and Marlboro Railroad Company shall build its lines into and within the District of Columbia, then said company shall have the right to use such of the routes in this Act provided for as may coincide with the route provided for in the charter of the said Washington and Marlboro Railroad Company.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, April 30, 1900.

Washington and Marlboro Railroad.

AN ACT To provide for laying a single electric street-railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon deposit of the amounts hereinafter stated by the Great Falls and Old Dominion Railroad Company, a corporation of the State of Virginia, the Commissioners of the District of Columbia are hereby authorized and directed to change or rebuild, according to such plans as they may approve, the superstructure of the Aqueduct Bridge across the Potomac River so as to permit the placing thereon of a single electric street-railway track for the accommodation of electric street cars operating and to operate across said bridge.

Sec. 2. That within thirty days after the approval of this Act the said Great Falls and Old Dominion Railroad Company shall deposit with the collector of taxes of the District of Columbia the sum of one thousand dollars, and the said company shall, before the work provided for in the first section hereof shall be begun, deposit with said collector the additional sum of twenty-four thousand dollars, the aggregate amount of said sums being the estimated cost of such change or alteration in said bridge necessary for the purpose of accommodating such electric street-railway traffic across same: *Provided*, That if the sum of twenty-five thousand dollars shall not have been deposited by said railroad company within three months after the passage of this Act the said company shall forfeit to the said District of Columbia the said sum of one thousand dollars, hereinbefore required to be deposited, and all rights under this Act: *Provided further*, That if the said Great Falls and Old Dominion Railroad Company shall fail to make said deposit of one thousand dollars within the said thirty days or the sum of twenty-five thousand dollars within the said ninety days, then that all rights of the Great Falls and Old Dominion Railroad Company under this Act shall be forfeited. In which event, the Washington, Arlington and Falls Church Railway Company may, within ten days from the default made by the Great Falls and Old Dominion Railroad Company, make the said deposit or deposits, and have and enjoy all the rights, privileges and franchises granted by this Act to the Great Falls and Old Dominion Railroad Company.

Sec. 3. That within sixty days after the sum of twenty-five thousand dollars shall have been deposited by said company, as hereinbefore required, the Commissioners of the District of Columbia shall, as promptly as possible, proceed with the work of changing or rebuilding the superstructure of the said Aqueduct Bridge, charging the cost of said work to said deposit, and shall continue same until said work is completed: *Provided*, That if said sum is found at any time during the prosecution of said work to be insufficient to complete the same, in the opinion of said

Commissioners, the Great Falls and Old Dominion Railroad Company shall deposit with the collector of taxes of said District such additional sum or sums, not to exceed ten thousand dollars, as the Commissioners of the District of Columbia may deem necessary.

SEC. 4. That within ninety days after the completion of the work of changing or rebuilding said bridge, or during the progress of said work, as may be directed by the said Commissioners, the Great Falls and Old Dominion Railroad Company is hereby authorized and directed, under such regulations and upon such plans as may be approved by said Commissioners, to lay upon said bridge and across M street and in Thirty-sixth street to such point south of Prospect street, in the city of Washington, as may be approved by said Commissioners, a single electric-railway track, with necessary switches and turn-outs; that the said Great Falls and Old Dominion Railroad Company is hereby authorized to connect its tracks to be constructed over its right of way in Alexandria County, Virginia, with the track hereby authorized to be constructed upon the said Aqueduct Bridge, and to operate its cars thereon.

SEC. 5. That any other electric street-railway company desiring to use said track for the purpose of crossing said bridge and securing connection into the city of Washington may be permitted to do so by the Commissioners of the District of Columbia upon satisfying said Commissioners that it has refunded to said Great Falls and Old Dominion Railroad Company such proportional part of the sum deposited by said company, as herein required, as may be agreed upon between said companies as a fair and equitable compensation for said privilege, and in the event that the said companies shall fail to agree upon the amount to be so refunded, either or any of them may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the amount to be so refunded for the use of said track.

SEC. 6. That the company or companies using said track shall at all times keep the bridge floor and the pavement between the rails of said track and for a distance of two feet outside thereof in repair to the satisfaction of said Commissioners of the District of Columbia, and in the event that the said railway company or companies neglect or refuse to keep said floor and pavement in repair to the satisfaction of said Commissioners, the Commissioners are hereby authorized to make such repairs and collect the cost of the same from such railroad company or companies in such manner as is now provided by law in cases where street pavements adjacent to street-railway tracks are repaired by said District; and if the cost of said repairs is not paid by said railroad company or companies within ninety days from the rendition of bills for the same, the said Commissioners are hereby authorized to prevent the

Commissioners to exercise police power. operation of said cars by the exercise of their police authority until such time as said bills are paid.

Cars. SEC. 7. That no car shall be operated upon said bridge by steam power, nor shall any company operating steam cars within such distance from the south end of the said bridge as to interfere with vehicle traffic thereon be permitted to operate electric street cars upon said bridge.

Power. SEC. 8. That the Commissioners of the District of Columbia are hereby authorized to permit the cars of said railroad company or companies using said track across said bridge and in M and Thirty-sixth streets to be operated by the underground electric system or by overhead trolley, as they may deem desirable; and in case the overhead trolley is used each car shall be equipped with a double trolley, and a return wire shall be provided for the electric current equal in capacity to the feed system upon this portion of the line and similarly situated, and no pole of any dynamo furnishing power for the operation of said cars shall be in any manner connected with the earth.

Commissioners to regulate operation of cars, etc. SEC. 9. That the operation of the cars upon the track herein authorized shall be under the direction and control of the Commissioners of the District of Columbia, who are hereby authorized to make such regulations in regard to speed, character, and weight of cars, time of operation, and fare to be charged as they may deem necessary or desirable; and any company violating any regulations of said Commissioners made under the authority of this section shall be subject to a fine of not less than twenty-five dollars for each and every offense, to be recovered in any court of competent jurisdiction at the suit of said Commissioners, and in default of the payment of such fine the Commissioners are hereby authorized to exercise their police authority to prevent the operation of the cars of the company so defaulting.

Penalty.

SEC. 10. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, January 29, 1903.

STREET RAILWAY LAWS OF A GENERAL NATURE.

Sundry civil act, 1873.

* * and all railroads are hereby prohibited on the I street and K street fronts of Farragut, Scott [changed to McPherson square March 3, 1875. See U. S. Stats. 18, p. 391] and Franklin squares; and no further street railroads shall be laid down in the city of Washington without the consent of Congress. * * *

Approved, June 10, 1872.

June 10, 1872.
Stats. 17, p. 350.
Railroads prohibited on I and K street fronts of Farragut, McPherson, and Franklin squares. No further roads shall be laid without the consent of Congress.

Extracts from an act providing a permanent form of government for the District of Columbia. June 11, 1878.
Stats. 20, p. 106

* * * * *
The cost of laying down said pavements, sewers, and other works or of repairing the same shall be paid for in the following proportions and manner, to wit: When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair.

But the said railway companies having conformed to the grades established by the Commissioners may use such cobblestone or Belgian blocks for paving their tracks or the space between their tracks as the Commissioners may direct.

The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the fifty per centum which the United States contributes toward the expenses of the District of Columbia for that year.

And all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia, or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia.

Portion of public works chargeable to street railroad companies.

How tracks shall be paved.

United States pay half of all costs under sec. 5, except that done by railroad companies.

Paid on warrants of Commissioners by Secretary of Treasury.

District to pave tracks of street railroad companies, when.

Commissioners may issue certificates of indebtedness against their property, etc.

And if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District, in such case of the neglect or refusal of such railway company to perform the work required as aforesaid the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company.

Certificates not paid property sold.

And if the said certificates are not paid within one year the said Commissioners of the District of Columbia may proceed to sell the property against which they are issued or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction to the highest bidder.

Duties of railroad companies where tracks intersect.

When street railways cross any street or avenue the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section.

* * * * *

Approved, June 11, 1878.

March 2, 1889.
Stats. 25, p. 797.

District of Columbia appropriation act, 1890.

Street cars may be run by electricity or cables.

* * * * *

That any company authorized by law to run cars propelled by horses in the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or underground wire, or underground cables moved by steam power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street railway electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail, and made level with the service of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks: *Provided*, That in the event said companies or either of them shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road-beds to be relaid with the flat grooved rail hereinbefore mentioned, so as to be level with the surface of the streets upon each

Grooved rails to be put in within two years.

side of said tracks or road-beds and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the Commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations or either of them shall not within ninety days thereafter begin the work required and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days it shall be the duty of the Commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the certificates are not paid within one year the said Commissioners of this District of Columbia may proceed to sell the property against which they were issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder: *Provided further*, That after the passage of this act no other rail than that herein mentioned shall be laid by any street railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within which to lay their tracks. So much of the charters of the street railway companies of the District of Columbia as is inconsistent with this section is hereby repealed. *Provided further*, That the foregoing requirements as to motive power, rails and road-beds shall not apply to street railroads outside the city of Georgetown and the Boundary limits of the city of Washington: *and* *Provided*, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the Commissioners of said District of Columbia, expressed by resolution of said board.

* * * * *

Approved, March 2, 1889.

District of Columbia appropriation act, 1891.

August 6, 1890.
Stats. 26, p. 310.

* * * * *

Sec. 3. That any street railroad company in the District of Columbia authorized to run cars drawn by horses, which has changed or may change its motive power on any of its lines now constructed, to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock

Commissioners shall make the change on neglect of company to do so.

Certificates of indebtedness for cost.

Sale of property.

No other rail to be used hereafter.

Not applicable outside city limits.

Approval of Commissioners.

Street railroad companies changing motive power, etc.

May issue stock to cover cost.

Sales at market price. of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth, under the oath of the President of said Company, and filed with the Commissioners of the District.

Sworn statement to be filed. And any company availing itself of the privileges herein granted shall within two years, wholly dispense with horses as motive power on all portions of its line and substitute therefor the power provided for in the act making appropriations for the expenses of the government of the District of Columbia, approved March second, eighteen hundred and eighty-nine, or pneumatic or other modern motive power which shall be approved by the Commissioners of the District of Columbia, but nothing in this act contained shall in any wise authorize the use of overhead appliances:

Companies accepting privilege must dispense with horses in two years. Power to be substituted. *Provided*, That if any such company operating a line or lines of street railroad from Georgetown or West Washington to and beyond the Capitol grounds shall fail to substitute for horse power the power herein provided for on all its lines within two years from the date of this act, such company shall forfeit its corporate franchises.

Approval of Commissioners required. No overhead wires. *Provided*.

Forfeiture of franchise on failure to comply.

Approved, August 6, 1890.

July 22, 1892. JOINT RESOLUTION Extending the time in which certain street railroads compelled by act of Congress, approved August sixth eighteen hundred and ninety, to change their motive power from horse power to mechanical power, for one year.

Time extended in which Metropolitan Railroad shall change its motive power. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the time within which the street railroad companies availing themselves of the privileges granted by the act making appropriations to provide for the government of the District of Columbia, and approved August sixth, eighteen hundred and ninety, so far as it extends to the Metropolitan Railroad, is hereby extended for one year from the date of the passage of this act: *Provided*, That so fast as the cars now building are equipped with storage batteries they shall be placed on the road: *And provided further*, That pending the change the present equipment of the road shall be put, kept and maintained in good condition; and any failure to comply with any of the foregoing requirements as to equipment shall render the said Metropolitan Railway Company liable to a fine of not exceeding twenty-five dollars for each day so in default, to be recovered by the Commissioners of the District of Columbia, as other fines are recovered in the District of Columbia.

Equipment pending change.

Penalty.

Amendment. "Sec. 2. Congress reserves the right to alter, amend or repeal this act."

Approved, July 22, 1892.

AN ACT To prohibit the use of "one horse" cars within the limits of the city of Washington after the first day of January, eighteen hundred and ninety-three, and for other purposes. July 29, 1892. Stats. 27, p. 334.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the first day of January, eighteen hundred and ninety-three, it shall be unlawful for any street railway company owning or operating any line of street railway within the limits of the city of Washington, or the greater part of which lines lies within said city limits, to use upon such road any "one horse" cars. After said date, all cars used within the said limits shall, if drawn by horse power, be of the size and style known as "two horse cars," and each car shall be in the charge of a conductor, and such conductor shall not act as a driver: *Provided* this act shall not apply to any company operating street railways outside the limits of the city of Washington or through unimproved and sparsely settled sections of the same, until such time as the Commissioners of the District of Columbia shall deem necessary for the public needs. Any railroad company violating the provisions of this act shall be subject to a fine of twenty-five dollars per day for each car, and for every day it may be so operated, to be recoverable by action instituted in the name of the Commissioners of the District of Columbia in any court of competent jurisdiction within the district, and all fines collected on such account shall, when collected, be paid into the Treasury for the use of the District of Columbia. It is hereby made the duty of the Commissioners of said District to see that this act is strictly enforced.

One-horse cars prohibited.

Not applicable to sparsely settled sections.

Penalty.

Enforcement.

Approved, July 29, 1892.

AN ACT to provide for the sale of new tickets by the street railway companies of the District of Columbia. May 25, 1894. Stats. 28, p. 78.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after thirty days from the passage of this Act, each street railway and street herdic transportation company in the District of Columbia shall issue its own tickets, and sell no tickets issued by any other company. Such tickets shall be printed and sold in sheets of six tickets each, and after having been once used shall be canceled by the company which issued the same: *Provided*, That all street-railway companies and herdic transportation companies doing business in the District of Columbia, shall receive and exchange tickets with each other, and said companies shall make monthly settlements with each other, and shall redeem in money any tickets in excess of the number of tickets exchanged.

Street railway and herdic companies shall use tickets but once.

Companies shall honor each others tickets.

SEC. 2. That any street railway or street herdic transportation company doing business in the District of Columbia which shall violate the provisions of this act shall

Penalty.

be liable to a fine of not to exceed ten dollars for each offense, to be recovered in any court of competent jurisdiction.

Approved, May 25, 1894.

August 2, 1894. AN ACT To authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.
(Stats. 28, p. 217 amended).

* * * * *

SEC. 5. That the Metropolitan Railroad Company is hereby authorized and required immediately to make reciprocal transfer arrangements with street railroad companies whose lines now connect with its lines, and to furnish such facilities therefor as the public convenience may require. Upon the completion of the underground electric system provided for in this Act the said Metropolitan Railroad Company is hereby further authorized and required to enter into reciprocal trackage arrangements with connecting roads. The schedules and compensation shall be mutually agreed upon between the said Metropolitan Railroad Company and the companies with whose lines its lines connect; and in any case of failure to reach such mutual agreement, the matters in dispute shall be determined by the supreme court of the District of Columbia, upon petition filed by either party: *Provided*, That every street railway company in the District of Columbia whose lines connect, or whose lines may hereafter connect, with the lines of any other street railway company, is hereby subjected to the same requirements as to transfers and trackage arrangements, and upon similar conditions, as in this section provided in the case of the Metropolitan Railroad Company and the lines connecting therewith.

Metropolitan Railroad required to enter into reciprocal transfer and trackage arrangements with other roads.

Connecting street railways in D. C. subjected to same requirements.

Approved, August 2, 1894.

June 11, 1896. District of Columbia appropriation act, approved June 11, 1896.

* * * * *

REPAIRS STREETS, AVENUES, AND ALLEYS: For current work of repairs of streets, avenues, and alleys, thirty thousand dollars. And this appropriation shall be available for repairing the pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad company as provided by section five of "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected: *Provided*, That the fifth section of the Act of Congress approved August second, eighteen hundred and ninety-four, relating to reciprocal trackage arrangements by the Metropolitan and other railroad companies,

Reciprocal trackage arrangements.

be, and the same is hereby amended by adding the following thereto: *Provided*, That any suburban street railroad company in the District of Columbia intersecting or connecting with any urban street railroad may have such reasonable number of its trail cars drawn by such urban railroad company, over the route of such urban railroad for the transportation of through passengers, as shall not, in the judgment of the supreme court of the District of Columbia, be to the undue detriment of such urban railroad company. The schedule, kind, and number of cars to be drawn, compensation therefor, and all other matters relating thereto in the event of said railroad companies being unable to agree between themselves shall, from time to time, on petition of either railroad company, be decided by said supreme court: *Provided further*, That in no event shall any railroad company be entitled under said law providing for trackage arrangements or under the provisions of this Act to collect fares except from such passengers as board the cars upon their own line: *Provided further*, That this provision shall not be construed to affect rights heretofore acquired either by contract or under any order of court made under authority of law.

Suburban trail cars to be drawn over urban road.

Collection of fares.

Not to affect existing rights or contracts.

AN ACT To amend an act entitled "An act to incorporate the Capital Railway Company," approved March second, eighteen hundred and ninety-five.

May 28, 1896.

* * * * *

SEC. 3. That the Capital Railway Company, the Metropolitan Railroad Company, and the Capital Traction Company are hereby required to issue free transfers at the point of intersection of their respective lines, so that for the payment of one fare a passenger on either road shall have the privilege of riding over the lines of both.

Free transfers to be issued between the Capital Railway and the Capital Traction and Metropolitan companies.

AN ACT To amend the charter of the Metropolitan Railroad Company of the District of Columbia.

February 26, 1896.

Stats. 28, p. 682.

* * * * *

SEC. 5. That the Brightwood Railway Company, the Rock Creek Railway Company, and the Georgetown and Tennallytown Railroad Company be, and they are hereby, respectively, authorized and required to sell four coupon tickets for twenty-five cents, good for one continuous ride in the District of Columbia over the lines of said companies, respectively, and the lines of the Metropolitan Railroad Company, and the said suburban roads shall redeem the tickets collected by the Metropolitan Railroad Company, at the rate of two and one-half cents for each coupon ticket presented by the said Metropolitan Railroad Company. Any of the aforesaid railroad companies which shall refuse to make sale of tickets or to accept tickets so sold as herein provided for, shall be liable to a fine of fifty

Certain lines to sell coupon transfer tickets.

Penalty. dollars for each such violation, to be recovered in the police court of the District of Columbia as other fines are recovered: *Provided*, That the proceeding for the collection of such penalty shall be commenced within thirty days from the date of the alleged refusal. The supreme court of the District of Columbia shall have, and it is hereby given, authority and jurisdiction to enforce the requirements and provisions of this section in respect of the sale of tickets on the petition of either of the aforesaid railroad companies or any citizen of the District of Columbia. And power is hereby given to the Metropolitan Railroad Company and the Rock Creek Railway Company to contract with each other for the purchase, sale, lease, or joint operation of the line of said Rock Creek Railway Company on Florida avenue and U street, or any part thereof.

Power of lease or sale, etc.

Act to take effect March 28, 1895.

SEC. 6. That this Act shall take effect in thirty days after its passage.

Approved, February 26, 1895.

August 7, 1894. District of Columbia appropriation act, 1895.
Stats. 28, p. 250.

That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make and to enforce all reasonable regulations in respect to requiring street cars operated by other means than horse power in the District of Columbia to be provided with proper fenders for the protection of the lives and limbs of all persons within the District of Columbia. Such power and authority shall extend to the adoption by the said Commissioners of any fender or fenders deemed by them to be superior to the fenders now in use as the fender or fenders which shall be used on cars operated within the said District: *Provided*, That nothing contained in this Act shall operate to relieve any street railway company from liability for accidents on its lines.

Approved, August 7, 1894.

August 23, 1894. AN ACT To amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway."
Stats. 28, p. 492.

SEC. 3. That in order to accommodate the street railway traffic that may converge at or near the Aqueduct bridge, under authority granted or to be granted by Congress, a passenger station is hereby authorized. Such station shall have ample provision for the safe, convenient, and comfortable transfer of passengers to and from the cars of the street railways using the same. All plans for such station and its necessary approaches shall be subject to the written approval of the Commissioners of the District of Columbia. The said Commissioners shall have the power to

Street railway passenger station authorized near Aqueduct Bridge

Plans to be approved by Commissioners District of Columbia.

settle any differences which may arise between the companies using the said station as to compensation or rentals or as to the necessary regulations for the control of said station. The said passenger station shall be constructed and maintained as a union passenger station, for the use of street railways only, by the Washington and Georgetown Railway Company. Said station shall be located on land already owned or hereafter to be acquired by the aforesaid company, which land shall be bounded on the north by Prospect street, on the east by a line drawn not less than one hundred and twenty feet west of the west line of Thirty-fifth street, on the south by M street, and on the west by Thirty-sixth street northwest. Within one year from the approval of this Act the said Washington and Georgetown Railway Company shall complete the said station and shall extend its tracks on M street northwest to a point not less than one hundred and twenty feet west of Thirty-fifth street, and thence into said station; and thereafter the said company shall cease entirely to switch cars on M street northwest.

Washington and Georgetown Railroad shall construct and maintain station. Location of station.

Washington and Georgetown Railroad shall extend its tracks on M street.

Shall not switch cars in M street.

SEC. 4. That the street railway companies mentioned in this Act, and hereafter all street railway companies in the District of Columbia, respectively, shall bear all the expenses that may be incurred by the United States in making and inspecting such changes to the water mains, fixtures, or apparatus of the Washington Aqueduct as may be rendered necessary by the construction or extension of such several roads; and the Secretary of War is hereby authorized and directed to make all regulations to carry into effect the provisions of this section.

Expense of moving water mains, etc., shall be borne by street railways.

Approved, August 23, 1894.

POLICE REGULATIONS.

EXTRACT from Police Regulations of the District of Columbia.

ARTICLE X.

SEC. 15. Street cars within the District of Columbia shall have the right of way upon their respective tracks, except to vehicles of the Fire, Police, Water and Health Departments, and hospital ambulances, and as otherwise provided; and no person shall obstruct or delay the movement thereof, at the lawful rate of speed herein-after designated: *Provided, however*, that in cases of emergency, and whenever the public interest or the public safety requires, the Commissioners may order a cessation of the movement of street cars or other public vehicles, for a reasonable period of time, upon any street or avenue in said District: *Provided, further*, that the order for such cessation of street car travel shall be given to the officers of any company operating cars upon such street or avenue; and it shall be unlawful for such street cars to resume movement

Street cars shall have the right of way, and shall not be delayed except by orders from Commissioners

until the expiration of the time limited in such notice; and the Major and Superintendent of Police shall clear such streets and avenues of all other vehicles for the time designated in said order. Any violation of the provisions of this section shall be punished, on conviction, by a fine of not less than five nor more than forty dollars for each offense.

Penalty.

Minors not allowed on platforms of certain vehicles.

Motor cars to have fenders.

SEC. 16. No minor not being a passenger shall be upon the platform or steps of any railroad car drawn by steam, or of any omnibus, street car or other vehicle drawn by horse, cable or electric power.

SEC. 17. Every motor car operated in the District of Columbia shall be fully equipped with front pick-up fenders of the Blackistone, Claude, Tobe, or Parmenter pattern, and with wheel-guard fenders of the Brightwood automatic, the Blackistone, the Eldridge Smith, the Tobe, or the Parmenter Improved pattern: *Provided*, That any street railway company may substitute for the above any other fender or wheel-guard which may hereafter be approved by the Commissioners of the District of Columbia: *Provided, further*, That the details of construction of such fenders and wheel-guards be approved by the Engineer Commissioner of the District of Columbia.

Penalty.

SEC. 18. Any railway in the District of Columbia which shall operate any motor car in the District of Columbia not fully equipped with fenders herein adopted or authorized shall be subject to a fine of twenty-five dollars a day for each and every car not so equipped, and operated by said company.

SEC. 19. No motorman or conductor shall operate or have in charge any motor car in the District of Columbia that is not fully equipped with fenders of the kind herein adopted or authorized, and any motorman or conductor operating or being in charge of any such car not so equipped shall, on conviction thereof, be punished by a fine not to exceed ten dollars.

Motor cars to be constructed so as to allow the effective action of wheel guard.

SEC. 20. Every motor car operated in the District of Columbia must be so constructed or altered that a clear space of fifteen inches in height above the rails is provided between the wheel-guard and the adjacent end of the car, in order to allow the effective action of the wheel-guard.

Penalty.

SEC. 21. Any railway company failing to comply with the requirements of section 20 of this article shall be subject to a fine of five dollars a day for each car not so constructed or altered, and operated by it.

Platforms and cars in trains shall be guarded by gates.

Penalty.

SEC. 22. Platforms of street cars shall be guarded by gates of a construction and operation approved by the Commissioners of the District of Columbia, and any company failing to comply with the provisions of this section shall be fined not more than forty dollars.

Fenders to be kept in working order.

Penalty.

SEC. 23. The fenders must be kept in thorough working order and in good repair when in use. Any railway company failing to comply with this provision shall be subject to a fine of twenty dollars a day for each and every offense.

SEC. 24. No street car shall move at a greater rate of speed than twelve miles an hour in the city of Washington, nor at a greater rate of speed than fifteen miles an hour outside of said city: *Provided*, That this regulation shall not be construed as implying a right in any street railroad company to operate its cars at a rate of speed in excess of that fixed by its charter. Street cars shall not exceed a rate of speed greater than six miles an hour at street crossings. When it is necessary for street cars to stop at street crossings they shall stop on the near side thereof; the front end of the car or train to rest on a line with the curb on the near side of the intersecting street, except where, in the opinion of the Commissioners, the mechanical appliances make it impracticable to do so: *Provided*, That in cases where stops are now allowed on both sides of a crossing, such stops may be continued if the railroad companies so desire, and that street cars running along the parking through the middle of Pennsylvania avenue east of the Capitol, shall be permitted to stop on the far side of the crossings of intersecting streets instead of the near side of such crossings.

Speed of street cars regulated.

Cars to stop on near side of street.

Except on Pennsylvania avenue south-east.

Street cars shall stop on the signal of the fire apparatus bell before crossing at intersection of streets whenever a fire company is about to cross the tracks on which they are running, and whenever any fire apparatus is approaching on or across a route on which a street car is moving, and in sight of the motorman or the conductor of such car; also before crossing at the intersection of the common runs of the Fire Department.

Stops for fire apparatus.

On G Street Line—Second and G streets northwest, Third and G streets northwest, Sixth and G streets northwest, Tenth and G streets northwest, Twelfth and G streets northwest, Thirteenth and G streets northwest, North Capitol and C streets northeast.

On F Street Line—Connecticut avenue and K street northwest, Connecticut avenue and M street northwest, Fifth and E streets northwest, Sixth and F streets northwest, Tenth and F streets northwest, Twelfth and F streets northwest, Thirteenth and F streets northwest, Twentieth and P streets northwest.

On H Street Line—New Jersey avenue and H street northwest, Second and H streets northwest, Third and H streets northwest.

On Fourteenth Street Line—Fourteenth and K streets northwest, Fourteenth and R streets northwest.

On Seventh Street Line—Seventh and D streets northwest, Seventh and E streets northwest, Seventh and I streets northwest, Seventh and M streets northwest, Seventh and R streets northwest.

On Ninth Street Line—Ninth and D streets northwest, Ninth and E streets northwest, Ninth and I streets northwest, Ninth and M streets northwest, Ninth and R streets northwest.

On Eleventh Street Line—Eleventh and M streets northwest, Eleventh and R streets northwest, Eleventh and I streets northwest.

On Fourth Street Line—Fourth and M streets northwest, New Jersey avenue and P street northwest.

On Pennsylvania Avenue Line—Fifth and Pennsylvania avenue southeast, Eighth and Pennsylvania avenue southeast, First and B streets southeast, New Jersey avenue and B street southeast.

On E Street Line—Tenth and E streets northwest, Twelfth and E streets northwest, Fourteenth and D streets northwest.

No motorman or conductor shall refuse to stop to take up a passenger, unless all the seats in the car or train are occupied.

SEC. 25. Wherever street railroads cross each other, all cars or trains bound north or south shall have the right of way over trains or cars bound east or west, and all motormen, shall on approaching intersecting crossings stop their cars or trains and see that the way is clear before crossing: *Provided*, That the provisions as to the right of way shall not apply where branches of the same street railway cross each other: *Provided further*, That the cars and trains of the Capital Traction Company shall have the right of way at the intersection of Thirty-second and M streets northwest.

SEC. 26. Flagmen shall be stationed at the crossings of all rapid transit street car lines, when in the judgment of the Commissioners of the District of Columbia the public safety requires the same. And from and after the direction of the Commissioners to any street railway company to station a flagman at any such crossing, it shall be unlawful for any motorman to run or operate any motor car over such crossing in the absence of a flagman.

No street car shall stand upon a street or avenue for a longer period than five minutes unless the way be obstructed, nor stop so as to obstruct a street crossing or intersecting street; and no street car shall follow a preceding car moving in the same direction at a less interval than one hundred feet, unless coupled thereto. Every street car in motion after sundown shall have two lights, one displayed at each end thereof.

SEC. 27. Steam railway trains or engines shall not move within the city limits at a greater rate of speed than twelve miles an hour. Motormen of street cars before crossing the tracks of a steam railroad shall bring their cars to a full stop, and not start them again until so directed by the conductor, who shall be satisfied by personal observation that the tracks may be crossed by the car with safety.

* * * * *

SEC. 29. No person or corporation shall operate any public vehicle for hire or for the transportation of passengers in the District of Columbia with sufficient regularity to enable the public to take passage therein at any point

Stops must be made for passengers.

At intersecting street-car crossings, north and south bound cars to have right of way, and cars must be stopped before crossing intersecting track.

Flagman at street-car crossings.

Cars not to stop more than 5 minutes nor obstruct crossing.

Lights.

Street cars to come to full stop before crossing steam railroad tracks.

intermediate to the stable or stand of such vehicle, or operate such vehicle over a route sufficiently definite to enable the public to ascertain the streets and avenues on which such vehicle can be found en route, without a duly issued license therefor, and no such license shall be issued without the approval of the Commissioners of the District of Columbia. Such vehicles shall be so operated as not to affect the health, comfort or quiet of any person beyond that occasioned by ordinary vehicle traffic. The violation of any of the provisions of this section shall constitute a ground for the revocation of such license, as well as subject the offending person or corporation to the penalty provided in section thirty-four of this article. All public vehicles for the transportation of passengers, traveling between sunset and sunrise shall display lighted lamps so placed as to be visible from the front and both sides thereof.

Vehicles operated along routes in same manner as street cars.

SEC. 33. No person shall expectorate or spit in or upon any paved sidewalk or footpath in the District of Columbia, or on any part of any street railway car or other public vehicle carrying passengers for hire, or in or upon any part of any public building under the control of the Commissioners of the District of Columbia. Street railway companies, and the proprietors of other public vehicles carrying passengers for hire, shall keep posted conspicuously in each and every one of their cars and public vehicles notice forbidding such expectorating or spitting.

Spitting in street cars prohibited.

District of Columbia appropriation act, approved August 7, 1894.

Aug. 7, 1894.

And hereafter one-half the cost of the maintenance and repair of any bridge across Rock Creek occupied by the tracks of a street railway or railways shall be borne by the said railway company or companies, and shall be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways as provided for in section five of "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight. The amounts thus collected shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

Street railway companies shall pay half cost of maintaining bridges across Rock Creek occupied by their tracks.

* * * * *

Extracts from Public—No. 218, approved July 1, 1902.

Provided, That street railroad companies shall continue to pay the four per centum per annum on their gross receipts and other taxes as provided by existing law, and

Taxation.

insurance companies shall continue to pay the one and one-half per centum on premium receipts, as provided by section six hundred and fifty of the Code of the District of Columbia. That so much of the Act approved October first, eighteen hundred and ninety, entitled "An Act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia" as is inconsistent with the provisions of this section is hereby repealed.

Public No. 218, approved July 1, 1902.

Highway bridge across Potomac River. **HIGHWAY BRIDGE ACROSS POTOMAC RIVER:** Section twelve of the "Act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, District of Columbia, and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February twelfth, nineteen hundred and one, is hereby amended by striking out therefrom the words "two years" and inserting in lieu thereof the words "four years," and the limit of cost for the bridge across the Potomac River therein provided for of five hundred and sixty-eight thousand dollars is hereby increased to nine hundred and ninety-six thousand dollars. And the Secretary of War is authorized to enter into a contract or contracts for the construction of said bridge within the said limit of cost.

Maintenance. The cost of maintaining in good condition the asphalt paving between the street railway tracks and two feet outside thereof on said bridge shall be paid by the street railway company or companies using the same under such regulations as the Commissioners of the District of Columbia shall prescribe: *Provided*, That all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge upon terms mutually agreed upon with the Washington, Alexandria and Mount Vernon Railway Company or in case of disagreement, upon terms determined by the supreme court of the District of Columbia which is authorized and directed to give hearing to the interested parties and to fix the terms of joint trackage.

All street railroads may cross bridge.

Underground system.

Extract from deficiency act, approved March 3, 1899.

That in the District of Columbia any street railroad company operating its cars in part over the tracks of another company along a route authorized by Congress shall be allowed until October 1, 1899, in which to install an underground electric system, and pending such a change shall preserve all rights now granted by its charter.

AN ACT To compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes.^a June 25, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter whenever the track or tracks or any part thereof of any street railway company in the District of Columbia shall not have been regularly operated for railway purposes upon a schedule approved by the Commissioners for a period of three months, the Commissioners of said District, in their discretion, may thereupon notify such company to remove said unused tracks and to place the street in good condition; and if such company shall neglect or refuse to remove said tracks and place the street in good condition within sixty days after such notice, the directors of said company shall be deemed guilty of a misdemeanor and shall be liable to a fine of ten dollars for each and every day during which said tracks are permitted to remain upon the street or streets or said roadway shall remain out of repair, which fine shall be recovered in the police court of said District, in the name of said District, as other fines and penalties are now recovered in said court.

Abandoned tracks.

Penalty. SEC. 2. That on and after one year from the passage of this Act it shall be unlawful for any street railway company operating its system or parts of its system over any portion of the underground electric lines owned and operated by another street railway company in the city of Washington to continue such operation or to enter into reciprocal trackage relations with any other company, as provided for under existing law, unless its motive power for the propulsion of its cars shall be the same as that of the company whose tracks are used or to be used. For every violation of this Act the company violating it shall be subject to a fine of ten dollars for every car operated in violation of the provisions of this Act, said fine to be collected and applied in the same manner as is provided by existing laws in respect of other fines in the District of Columbia.

Motive power.

Free transfers. SEC. 3. That all street railway companies within the District of Columbia now operating their systems or parts of their systems in the city of Washington by use of the tracks of one or more of such companies, under a reciprocal trackage agreement, as provided for under existing law, which shall be compelled by reason of the passage of this Act to discontinue the use of the tracks of another company, shall issue free transfers to their patrons from one system to the other at such junctions of their respective lines as may be provided for by the Commissioners of the District of Columbia.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Approved, June 25, 1898.

^a Replaced by sections 710, 711, and 712 of Code following.

District of Columbia appropriation act approved July 18, 1888.
(25 Stats., 323.)

No overhead
wires.

The Commissioners of the District of Columbia shall not, after the fifteenth day of September, eighteen hundred and eighty-eight, permit or authorize any additional telegraph, telephone, electric lighting or other wires to be erected or maintained on or over any of the streets or avenues of the city of Washington. * * *

From District appropriation act approved July 14, 1892.

Now in code of
laws for District
of Columbia.

Notice of in-
tention to ask
for charter.

That whoever, not being a Senator or Representative in Congress, intends to present to Congress a bill for an Act of incorporation, or for an alteration or extension of the charter of a corporation in the District of Columbia, or of any special privileges in said District, shall give notice of such intention by publishing a copy of the bill at least once a week for four successive weeks, in a newspaper published in the District of Columbia, the last of said publications to be made at least fourteen days prior to the presentation of such bill. Such newspaper shall be designated by the person proposing the bill and approved by the Commissioners of the District of Columbia.

Extract from Code of Laws for the District of Columbia.

SUBCHAPTER NINE.

STREET RAILWAYS.

(From the Code.)

Abandoned
tracks.

SEC. 710. REMOVAL OF DISUSED TRACKS.—Whenever the track or tracks, or any part thereof, of any street railway company in the District of Columbia shall not have been regularly operated for railway purposes upon a schedule as required by its charter for a period of three months, the Commissioners of said District, in their discretion, may thereupon notify such company to remove said unused tracks and to place the street in good condition; and if such company shall neglect or refuse to remove said tracks and place the streets in good condition within sixty days after such notice, the said company shall be deemed guilty of a misdemeanor and shall be liable to a fine of ten dollars for each and every day during which said tracks are permitted to remain upon the street or streets, or said roadway shall remain out of repair, which fine shall be recovered in the police court of said District, in the name of said District, as other fines and penalties are now recovered in said court.

Motive power.

SEC. 711. USING OTHER COMPANY'S LINES.—It shall be unlawful for any street railway company operating its system or parts of its system over any portion of the

underground electric lines owned and operated by another street railway company in the city of Washington to continue such operation, or to enter into reciprocal trackage relations with any other company, as provided for under existing law, unless its motive power for the propulsion of its cars shall be the same as that of the company whose tracks are used or to be used. For every violation of this subchapter the company violating it shall be subject to a fine of ten dollars for every car operated in violation of the provisions of this subchapter, said fine to be collected and applied in the same manner as is provided by the preceding section.

SEC. 712. FREE TRANSFERS.—All street railway companies within the District of Columbia now operating their systems, or parts of their systems, in the city of Washington by use of the tracks of one or more of such companies, under a reciprocal trackage agreement, as provided for under existing law, which shall be compelled to discontinue the use of the tracks of another company, shall issue free transfers to their patrons from one system to another at such junctions of their respective lines as may be provided for by the Commissioners of the District of Columbia.

Free transfers.

* * * * *

SEC. 846. MALICIOUS INJURY.—Whoever maliciously places an obstruction on or near the track of any steam or street railway, or displaces or injures anything appertaining to such track, with intent to endanger the passage of any locomotive or car, shall be imprisoned for not more than ten years. (In effect January 2, 1902.)

Obstructions
on tracks.

AN ACT For the relocation of certain tracks of street railways in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Bunker Hill road or Wisconsin avenue is improved by the Commissioners of the District of Columbia, the said Commissioners are authorized to permit the street railroad tracks upon said highways to be located in the middle of the roadway, should such location be considered for the best interests of the public.

Bunker Hill
road, Wisconsin
avenue.

Approved, March 1, 1901.

16400—05—18

INDEX.

(See Preface.)

NOTE.—Index is by pages and by sections of charter.

	Page.	Section.
Advertising for proposed charters, etc.....	272	
Anacostia and Potomac River Railroad Company:		
Act approving and sanctioning route—		
1875.....	3	1
1876.....	4	1
1888.....	5	1
1890.....	7	1
1892.....	8	1
Act requiring certain extensions—		
1900.....	9	1
1902.....	10	1
Anacostia Bridge—		
Additional tracks.....	6	2
Removal of tracks.....	5	
Use of.....	4	3
Annual report to Congress.....	7	7
Bridge, Anacostia—		
Additional tracks.....	6	2
Removal of tracks.....	5	
Bridge, Navy-Yard, use of.....	4	3
B street NE., First to Second, extension of track.....	9	2
Capital Traction Company, items affecting. (See Capital Traction Company.)		
Cars to be of best construction.....	6	6
Congressional Cemetery extension.....	6	1
Contracts, may enter into.....	241	2
With Anacostia, Surrattsville and Brandywine Electric Rwy ..	14	2
Eleventh extension to Lydecker avenue.....	10	1
Extensions—		
To Congressional Cemetery.....	6	1
German Orphan Asylum.....	6	2
Government Hospital for Insane.....	6	3
Plans to be approved.....	10	5
Uniontown, east of.....	11	3
D street NW., Twelfth to Fifteenth.....	4	3
First street NE., E to B streets.....	4	2
Fifteenth street NW., D to Pennsylvania avenue.....	9	2
Louisiana avenue NW., Twelfth to Pennsylvania avenue.....	4	2
Eleventh street.....	5	2
Fare—	213	1
Rate of, on extension east of Uniontown.....	4	3
Reduction of.....	7	7
Tickets, exchange of.....	9	3
First street NE., E to B streets, extension.....	9	2
Fifteenth street NW., D to Pennsylvania avenue, extension.....	4	2
German Orphan Asylum, extension.....	6	2
Government Hospital for Insane.....	6	3
Louisiana avenue NW., Twelfth to Pennsylvania avenue.....	5	2
Metropolitan Railroad, switch on old Sixteenth street.....	10	1
Navy-yard bridge, use of.....	4	3
Pavements, restoring.....	4	2

	Page.	Section.
Anacostia and Potomac River Railroad Company—Continued.		
Paving between and adjacent to tracks.....	4	2
Plans of extension to be approved.....	10	5
Rail, pattern to be approved.....	11	3
Rail to be laid at street level.....	8	1
Report to Congress annually.....	6	5
Restoring pavements.....	8	1
Routes coinciding, use of tracks.....	6	5
Routes, control of.....	7	7
Routes, extension east of Uniontown.....	4	2
Routes extended, control of.....	3	1
Seventh street E., between M and G streets, authority to lay tracks.....	10	3
Sixteenth street (old), Metropolitan Railroad to switch.....	10	6
Stockholders, report list of.....	4	3
Taxes, payment on personal property.....	11	4
Tickets, exchange of.....	5	1
Trucks—	10	1
Additional on Anacostia Bridge.....	7	7
Coinciding, use of.....	9	3
Paving adjacent to.....	7	7
Removal from Anacostia Bridge.....	9	3
Terms of use.....	6	2
Use of those of other companies.....	9	2
Rails to be approved.....	6	4
Uniontown, extension east of.....	6	5
Washington and Great Falls Electric Railway Company, consolidation authorized.....	4	3
Anacostia, Surrattsville, and Brandywine Electric Railway Company.	241	1
Act authorizing (1905).....	13	1
Annual report to Commissioners.....	15	15
Congress.....	16	24
Articles left in cars.....	15	12
Cars, rate of speed.....	15	8
Changes in grade.....	15	10
Completion, time of.....	14	7
Condemnation of land.....	15	16
Contracts with Anacostia and Potomac Railway Company.....	13	1
Deposits.....	14	2
Excavations, etc., permit required.....	14	6
Fare.....	16	20
Freight.....	14	4
Forfeitures.....	15	13
Grade, changes in.....	13	1
Land condemnations.....	16	20
Land dedication.....	14	7
Motive power.....	15	16
Noncompletion, penalty for.....	13	1
Passenger rooms, etc.....	13	1
Paving between and adjacent to tracks.....	14	2
Plans of construction to be approved.....	14	6
Plans of extension to be approved.....	14	3
Poles, telegraph and telephone.....	13	5
Real estate.....	15	17
Removal from cars.....	15	15
Right of way across other lines.....	15	11
	16	23

	Page.	Section.
Anacostia, Surrattsville, and Brandywine Electric Railway Company—Continued.		
Route.....	13	1
Small freight.....	13	1
Speed, rate of.....	15	10
Successors.....	16	19
Supervision of construction.....	16	21
Taxes.....	15	15
Time of completion.....	16	18
Time table.....	15	9
Trackage agreement with Anacostia and Potomac Railway Company.....	14	2
Tracks, location of.....	13	1
Violation of act, etc., penalty.....	16	22
Anacostia Bridge:		
Plans of Washington and Marlboro Railway Company to be approved by Secretary of War.....	247	1
Tracks, additional.....	6	2
Tracks, removal of.....	5	
Tracks, use of.....	4	3
Washington and Marlboro Railway Company authorized to construct an.....	247	1
Plan of.....	247	1
Anacostia road, may be occupied by Columbia Railway Company.....	89	2
Aqueduct Bridge, act permitting rails to be laid.....	254	1
Aqueduct lands, route across, by Washington and Great Falls Railway Company to be approved by Secretary of War.....	225	1
Arlington Reservation:		
Act granting right of way through.....	197	23
Route of Washington, Alexandria and Mount Vernon Railway Company to be approved by Secretary of War.....	197	23
Tracks to, to be constructed.....	197	23
Baltimore and Washington Transit Company:		
Act authorizing (1896).....	17	1
Annual report to Commissioners.....	20	10
Bond issuance.....	20	11
Brightwood Railway junction with.....	17	1
Cars, rate of speed.....	21	14
Commencement and completion of work of construction.....	17	2
Condemnation of land.....	20	12
Deposit guarantee.....	17	3
Deposits required.....	20	13
Excavations, etc., permit required.....	19	5
Fare.....	18	5
Grade changes.....	19	8
Land condemnation.....	19	7
Land dedication.....	17	3
Motive power.....	18	3
Plans of construction to be approved.....	18	4
Rails, pattern to be approved.....	18	5
Spring road, use of.....	18	4
Street widening.....	17	1
Taxes.....	19	6
Trackage arrangements with Brightwood Railway.....	19	9
Trolley, use of.....	17	2
Belt Railway Company (formerly Capitol, North O Street and South Washington Railway Company):		
Act incorporating (1875).....	18	4
Air motor equipment.....	23	1
Air motor, extending time for installing.....	30	1
Annual meeting.....	35	1
Annual report.....	35	1
Board of directors.....	27	15
	27	15
	34	10
	26	13

	Page.	Section.
Belt Railway Company—Continued.		
Bonds—		
Issuance of	32	6
Issue limited	33	6
Corporation purchasing, authorized to issue	36	1
By-laws to be prescribed	26	14
Capital stock	25	8
Assessment collection	26	14
Increase of stock or bond issue	32	6
Issue of bonds limited	33	6
Sale of	26	14
Subscription books	25	12
Subscription limited	25	12
Subscription payment on	25	12
Cars—		
Character of	25	9
Articles found in	25	11
Exclusion from	27	18
Obstruction of	27	16
Columbia Railway Company, act incorporating, applied	27	20
Completion of extension	32	5
Construction	24	3
To be approved by Commissioners	33	7
Time for	27	17
Of extension	33	7
Currency issue not authorized	25	7
Deed of sale to be recorded by purchaser	36	1
Electric system (underground)—		
Authorized	31	1
To be installed	36	1
Excavations authorized	33	8
Fare, rate of	34	11
Grade changes	24	5
Horsepower—		
To cease	31	1
Not to be used on extensions	31	1
LeDroit Park extension	32	4
Liability, not relieved from just	37	5
Motive power	23	1
Name of The Belt Railway Company authorized (1893)	30	
Officers	26	13
Passenger rooms	25	10
Purchasers' rights, act defining	35	1
Route	23	1
Coinciding	23	1
Extension of	27	1
Receiver's indebtedness to be paid	28	1
Stock, may increase	29	1
Stockholders' liability	37	2
Stockholders, meeting of	32	6
Street widening, Congress may require	27	19
Suit, limitation of	26	12
Taxes	36	1
Taxes, special assessments to be paid	27	16
Track arrangements, Commissioners to require changes	24	2
Tracks may connect with company buildings	37	2
Tracks—	36	1
Authority for double	25	10
Joint use of	32	4
Paving adjacent	23	1
Rights to use	24	4
Water street extension	33	9
Water street extension	28	2
Bennings Bridge to be constructed by Columbia Railway Company	28	1
	89	1

	Page.	Section.
Bennings road, joint use of tracks	91	7
Boundary and Silver Spring Railway Company (1872):		
(Absorbed by Metropolitan Railroad Company)		
Act incorporating	176	1
Bridges:		
Anacostia Bridge, construction of, by Washington and Marlboro		
Electric Railway Company authorized	247	1
Anacostia Bridge plans to be approved by Secretary of War in rela-		
tion to Washington and Marlboro Railroad Company	247	1
Anacostia Bridge—		
Additional tracks authorized	6	2
Plan of	58	1
Removal of tracks	5	
Use of	4	3
Aqueduct Bridge, act permitting rail to be laid on	254	1
Bennings, to be constructed by Columbia Railway Company	89	1
Chain Bridge, to be lighted by Washington and Great Falls Railway		
Company	225	1
Connecticut Avenue Bridge over Rock Creek, to be erected by Rock		
Creek Railway Company	74	1
Eastern Branch Bridge to be constructed by Columbia Railway Com-		
pany	89	1
Highway bridge over Potomac, street railways to have trackage	270	
M Street Bridge, repair of	67	
Pennsylvania Avenue Bridge, East Washington Heights Traction		
Company may cross	109	1
Potomac River at Three Sisters, Washington and Arlington author-		
ized to construct	201	1
Rock Creek, half cost and maintenance over, to be borne by railway		
companies	269	
Washington Aqueduct Bridge over Rock Creek, removal of tracks		
from	65	
Brightwood Railway Company (1888):		
Act incorporating	39	1
Annual meeting	43	16
Annual report	40	2
Baltimore and Washington Transit Company—		
Junction with	17	1
Trackage arrangements	17	2
Bonds—		
May issue	45	3
Limit of issue	46	3
Use of proceeds	45	3
Branch lines authorized	45	1
By-laws, to be prescribed	43	15
Capital stock	41	9
Cars, character of	42	10
Cars—		
Articles found in	42	12
To be new	45	2
Schedule of running	44	2
Schedule of running to be filed with Commissioners	42	10
Speed of	41	7
Commencement and completion of construction	41	8
Government and direction of company	44	2
Construction of	45	2
Contracts, may enter into	43	14
Crossings, right of way at	40	3
Depots and passenger rooms	241	1
District line extension	43	18
Excavations authorized	42	11
Fare, rate of	44	2
	40	6
	39	1
	45	2

Brightwood Railway Company—Continued.		Page.	Section.
Grade changes	40	5	
Kenyon street route	45	1	
Act requiring trolley abandoned	46	1	
Kenyon street extension, authorizing bond issue	45	3	
Land, condemnation of	44	3	
Land for roadway and buildings	46	5	
Marshall street route	45	1	
Act requiring trolley abandoned	46	1	
Marshall street extension, authority to issue bonds	45	3	
Metropolitan Railroad, coupon tickets to issue	47	3	
Motive power	39	1	
On other tracks	39	1	
Charter amended relative to	44	1	
Organization	42	13	
Passenger rooms and depots	42	11	
Penalty of forfeiture for failure to comply	45	4	
Power house to be erected and maintained	41	6	
Right of way at crossings	43	18	
Roadway, free use of	43	17	
Route extended	44	1	
Richmond, Marshall, and Kenyon streets	45	1	
Stock—	41	9	
Failure to pay assessments	41	9	
Payments for	42	13	
Payments at time of subscribing	42	13	
Payments to be paid in money	42	13	
Stockholders, meeting of	42	13	
Takoma Park extension	44	2	
Taxes	40	2	
Tracks coinciding	39	1	
Tracks coinciding, repairs to	46	4	
Tracks coinciding, terms of use	39	1	
Tracks, compensation for use	46	4	
Tracks, paving adjacent to	39	1	
Tracks, repairs to	40	4	
Tickets, coupon	40	4	
To be sold	47	3	
Washington and Great Falls Railway Company, may consolidate with	263	5	
Washington, Woodside and Forest Glen Railway Company, authority to use tracks of	241	1	
Wires to be underground	220	1	
Wires overhead authorized	40	1	
Bunker Hill road, tracks to be laid on, in middle	44	1	
Canal road, wall to be constructed	273		
Capitol, North O Street and South Washington Railway Company. (See Belt Railway Company.)	222	1	
Capital Railway Company (1895):			
Act incorporating	49	1	
Annual report	54	21	
Annual meeting	54	18	
By-laws to be prescribed	53	17	
Capital stock—			
How to be paid	54	19	
Limited	54	19	
Cars	52	13	
Cars, articles found in	54	20	
Cars, ejection from	55	25	
Cars, speed of	52	14	
Cars, schedule of running	52	13	
Commencement and completion of construction	51	11	
Completion of construction and installing electric system, time extended	56	27	
Contracts, may enter into	57	1	
Construction	241	1	
	50	4	

Capital Railway Company—Continued.		Page.	Section.
Crossings	51	12	
Right of way	55	24	
Damage to pipes by electrolysis	51	12	
Deposits to be made	56	28	
Deposits for water mains	51	9	
Electrolysis damaging pipes	51	12	
Excavations authorized	50	8	
Fare, rate of	55	22	
Ferry (repealed)	49	1	
Ferry slips and ferry	51	12	
Grade, changes of	50	7	
Land, condemnation of	56	26	
Lights to be maintained along line	50	6	
Motive power	51	12	
Navy-yard Bridge—	57	2	
Double overhead trolley system	58	1	
Officers	53	16	
Organization of company	53	15	
Passenger houses	52	13	
Passengers, parcels, milk, and truck, authority to carry	49	1	
Pipes damaged by electrolysis	51	12	
Power houses, etc	51	10	
Right of way at crossings	55	24	
Roadway, free use of	55	23	
Route	49	1	
Route, amended	56	1	
Route coinciding	51	12	
Route coinciding, terms and manner of use	51	12	
Route along country roads	50	3	
Route, branch to Shepherd's landing	57	4	
Snow and ice, removal of	52	14	
Stock, percentage of subscriptions to be paid	53	15	
Stock, sale of, in case of default	54	19	
Stockholders to meet	53	15	
Street widening	49	2	
Taxes	55	21	
Transfers, free to Capital Traction Company and Metropolitan Railroad Company	57	3	
Tracks—			
Double in city	57	1	
Authority to lay	49	1	
Location to be approved by Commissioners	56	28	
Paving adjacent to	50	5	
Use of	52	14	
Water mains, deposit for	51	9	
Capital Traction Company (formerly Washington and Georgetown Railway Company). (See Washington and Georgetown Railway Company also)	59	1	
Authority for formation			
B street NE., First to Second, extend track	80	1	
C street NE., First and Delaware avenue, extend tracks	80	1	
C street NW., First and New Jersey avenue, removal of tracks	81	4	
Chevy Chase Land Company, may connect with	77	1	
Contracts authorized, to contract with or lease connecting lines	78	1	
East Washington Heights Traction Company, free transfers to be issued	107	19	
Eckington and Soldiers' Home Railway Company, may arrange for trackage and power	78	3	
F street NW., extension from Seventeenth to Twenty-sixth streets	80	1	
Fare, rate of	69	1	
Fourteenth street extension	63	1	
G street NW., Seventeenth to Twenty-fifth, extension	80	1	
G street NW., Twenty-fifth to Twenty-sixth, extension	80	1	
M Street Bridge, repair of	67	79	
Pennsylvania avenue, paving of	64		

	Page.	Section.
Capital Traction Company—Continued.		
Roadway, use of, by United States Government	61	12
Rock Creek Bridge, to build	74	1
Rock Creek Railway—		
May change name to	79	1
Route, extensions required	63	1
Seventh street extension	63	1
Seventeenth street NW., F to G streets, extension	80	1
Seventeenth street NW., G to Pennsylvania avenue, extension	80	1
Square 686, construct tracks adjacent	9	1
Tickets, coupon from Brightwood Railway Company	47	3
Transfers—		
Free to Capital Railway Company	57	3
Free to East Washington Heights Traction Company	263	3
Coupon, shall sell to Metropolitan Railroad Company at U street line	107	19
Coupon, shall sell to Metropolitan Railroad Company at U street line	263	3
Tracks—		
Removal from Capitol grounds	64	12
Extension authorized on Pennsylvania avenue SE	80	1
Paving adjacent to	64	3
Twenty-fifth street NW., G to Pennsylvania avenue, extension	80	1
Twenty-sixth street NW., F to Pennsylvania avenue, extension	80	1
Union transfer station at Aqueduct Bridge, to build	68	3
Washington and Georgetown Railroad deemed real estate	60	2
Capitol grounds, removal of tracks required	64	12
Capitol, North O Street and South Washington Railway Company (see Belt Railway Company)	23	1
Annual meeting	27	15
Annual report	27	15
Act incorporating	23	1
By-laws	27	15
Completion, time for	29	2
Completion, time of extension for	28	1
Completion, time of extension for	30	3
Cars—		
Exclusion from	27	18
Obstruction of	27	16
Construction, time for	27	17
Cook, John F., collector, payment of judgment	30	
Columbia Railway Company, act incorporating, applied	27	20
Directors	26	13
Extension of line	27	1
Fare to Bureau of Engraving and Printing	28	3
Fare, 2-cent, repealed	30	2
Judgments, payment of	30	
Ninth street NW., no new tracks	29	2
Officers	26	13
Ohio avenue, may remove tracks	28	1
Route—		
Extension of	27	1
Extension of, etc	28	1
Extension of, etc	29	1
Stockholders' liability	27	19
Suit, limitation of	27	16
The Belt Railway Company, change of name to	30	
Tracks—		
Coinciding	23	1
Use of Metropolitan Railway Company, authorized	28	2
No new on Ninth Street NW	29	2
Ohio avenue, may remove from	28	1
South of Pennsylvania avenue, use of	28	4
Certificates of indebtedness may be issued	258	
Not paid, property may be sold	258	
For cost	258	
Chain Bridge, to be lighted by Washington and Great Falls Railroad Company	225	1

	Page.	Section.
Charters, proposed and amendments to be advertised for	272	
Chevy Chase Land Company, Capital Traction Company may connect with	77	1
City and Suburban Railway of Washington:		
Authority to change name	130	9
Contracts, may enter into	241	1
Washington and Great Falls Railway Company, may consolidate	241	1
Code of laws, extract from, relative to street railways	272	
Columbia Railway Company (1870):		
Act incorporating	83	1
Anacostia road from Watts Creek	89	2
Time for completion	89	2
Extending time for constructing	213	2
Annual meeting	87	16
Annual report	87	16
Bennings road, extension authorized on	88	1
Bonds, authority to issue	90	6
Bridge over Eastern Branch to be constructed	89	1
Bridge causeway, authorized to construct	89	1
By-laws to be prescribed	86	15
Capital stock	85	9
Forfeiture of subscriptions to	85	13
Transferable	85	15
Transferable	85	9
Cars	85	10
Articles found in	85	12
Exclusion from	87	20
License for	84	3
Columbia Turnpike Road Company, road may be extended along property of	83	2
Completion of construction	87	19
Construction	84	4
Contracts may be made with connecting or intercepting lines	91	7
Contracts, may enter into	241	1
Directors	85	13
Extension eastward authorized	88	1
Fare, rate of	83	1
Fare on extensions	89	3
Grades, may change street	84	6
Land—		
Authority to acquire	90	5
Authority to lease	85	11
Condemnation of	90	5
Condemnation of	83	1
Motive power	84	2
Notes, etc., not to be issued as currency	85	8
Officers	86	14
Passenger rooms	85	11
Power houses, etc	90	5
Railway construction not to be hindered	87	17
Railway not to be obstructed	89	4
Roadway, obstruction of	87	18
Route	83	1
Stockholders—		
Individual liability	88	21
Meeting	85	13
Taxation	84	3
Tracks, connecting	85	11
Tracks, gauge of	84	4
Tracks, paving of, adjacent to	84	5
Trolleys, overhead, authorized east of Fifteenth street E	89	1
Washington and Great Falls Railway Company may consolidate	241	1
Conduit road—		
Railway to run parallel to	222	1
Conduits for railway purposes	128	2
Corporations, publication of notice of intent required	272	

	Page.	Section.
Crossings—		
Flagmen to be stationed	268	26
Policemen, authority for	37	3
Columbia and Maryland Railway Company, authority relative to purchase and lease of property by Eckington and Soldiers' Home Railroad Company	127	1
Columbia Turnpike Road Company, Columbia Railway may be extended along property of	83	2
Connecticut avenue, opening of	76	4
Connecticut avenue and Park Railway Company (1868) (absorbed by Metropolitan Railroad Company), act incorporating	169	
Coupon transfer tickets to be sold by certain suburban roads	263	5
District of Columbia Suburban Railway Company (1892), act incorporating	93	1
Annual meeting	100	19
Annual report	95	4
By-laws to be prescribed	100	19
Capital stock	100	18
Subscriptions to	98	12
Subscriptions to	99	13
Cars—		
Articles found in	99	16
Exclusion from	101	22
Nature of	99	14
Schedule of running	99	14
Speed of	98	10
Commencement and completion of construction	98	11
Consolidation can not be made with other roads	99	13
Construction of	96	8
Crossings, right of way at	95	2
Deposits for changing pipes, etc.	97	8
Directors, board of	100	17
Fare, rates of	95	3
Grades, street to be changed	96	7
Land, authority to acquire	101	23
Motive power	95	2
Passenger rooms	99	15
Power houses	98	9
Rails to be approved	96	5
Roadway crossings	100	21
Roadway obstructions	100	20
Routes	94	1
Approval by Commissioners	94	1
Country roads	94	1
Stockholders' meeting	99	13
Taxes	96	4
Tracks—		
Coinciding	95	2
Coinciding, terms for use	95	2
Paving of	96	6
Track space, paving	97	8
Water mains, etc, care for	97	8
Wires to be underground in city	94	2
East Washington Heights Traction Railroad Company (1898):		
Act incorporating	101	1
By-laws to be prescribed	105	14
Cars—		
Articles found in	106	17
Exclusion from	107	22
Speed of, etc	104	11
Speed of, etc	103	8
Commencement and completion of construction	108	26
Completion of, act extending time	109	
Construction to be approved	110	
Construction to be approved	102	3
Corporators to meet	105	12
Crossings, right of way at	107	21

	Page.	Section.
East Washington Heights Traction Railroad Company—Continued.		
Directors	105	13
Fare, rates of	107	19
Forfeiture, for failure to comply with conditions	108	27
Grades, street may be altered	103	5
Land, condemnation of	107	23
Passenger rooms, etc.	104	10
Pennsylvania Avenue Bridge, may cross	109	1
Plans of construction to be approved	108	24
Power and engine houses	103	7
Roadway, not to be obstructed	107	20
Route of	102	1
Route amended	109	1
Route on country roads	102	2
Route, extension of	109	1
Sale or lease may be made	110	1
Snow and ice, authority to remove	104	11
Stockholders, meeting of	106	15
Taxes to be paid	106	18
Track space to be paved	102	4
Tracks coinciding, to be used in common	104	9
Tracks, authority to lay, across Pennsylvania Avenue Bridge	109	1
Transfers to be issued free with the Capital Traction Company	107	19
Washington and Marlboro Railroad Company, right to use tracks	109	2
Wires, overhead, permitted	103	9
Eckington and Soldiers' Home Railway Company (1888):		
Act incorporating	111	1
Air-motor equipment	122	1
Extending time for installing	126	1
Annual report	111	2
Annual meeting	115	16
Assignment or sale, not authorized except	116	19
Bonds—		
Increase of, authorized	123	3
Issuance of, authorized	123	3
Issue of, in connection with Maryland and Washington Railway Company	129	4
Limiting issue of	123	3
Bunker Hill road, tracks on private ground	118	1
By-laws to be prescribed	115	15
Capital stock	113	9
Increase of, authorized	117	3
Issue authorized in connection with Maryland and Washington Railway Company	117	4
Cars	129	4
Articles found in	114	10
Exclusion from	114	12
Speed of	116	19
Speed of	113	7
City and Suburban Railway of Washington, authority to change name to	130	9
Columbia and Maryland Railway Company, authority to purchase or lease property of	127	1
Commencement and completion of work of construction	113	8
Time extended	117	4
C and D streets NE., tracks not required until improvements made	120	2
Conduits, authority of Commissioners to issue permits	120	1
Conduits, cables or electrical conductors to be used for propelling cars only	128	2
Conduits, relative to use on line of Maryland and Washington Railway Company	128	2
Construction	112	6
To be approved by Commissioners	121	1
To be approved by Commissioners	125	7
Crossings, right of way at	116	18
Deposit required	119	1
Deposit required	129	5

	Page.	Section.
Eckington and Soldiers' Home Railway Company—Continued.		
Deposit required to guarantee equipment of Maryland and Washington Railway Company route	129	5
Directors	115	14
Eighth street NE. extension	123	2
Electric system—		
Underground, authorized	126	1
Substitution if air motor fails	122	1
Equipment, charter amended relative to	127	2
	111	1
	127	1
	117	1
	126	11
Fare, rates of	117	2
First street route abolished	112	5
Grade, changes of	111	1
Horse power allowed	122	1
Horse power to cease within six months	122	1
Horse power not to be used on extensions	119	1
Motive power, horse power, repealed		
Maryland and Washington Railway Company, liability of, continued to	130	8
Liability, not relieved of any	130	8
Lincoln avenue, removal of tracks	119	1
Motive power	119	1
Maryland and Washington Railway Company—		
Equipment of lines in city	127	2
Condemnation proceedings continued in force	127	6
Authority relative to property of	127	1
Act amending charter and authorizing purchase of	127	1
North Capitol Branch—		
To be operated	122	1
To be completed after improvement of street	117	4
Overhead wires, authority to use	117	1
Organization	114	13
Passenger rooms, etc.	114	11
Penalty for failure to comply with provisions of act	127	3
Rails, to be approved	112	3
Roadways, free use of	115	17
	116	1
	118	1
Route—		
Amended	128	3
	121	5
Branches	111	1
Coinciding	119	1
Change of	233	5
	118	1
	120	1
	121	1
	128	1
Extension authorized to Thirteenth street NE	120	1
Of Maryland and Washington Railway	127	2
Completion	127	2
Stock, increase of	129	4
Taxes	112	2
Taxes and assessments to be paid before permits issued	128	2
Taxes to be paid	129	7
Taxes to be paid on Washington and Maryland division before permits issue	128	2
Tracks—		
Abandoned, to be removed and single track to be located subject to approval	128	3
Paving adjacent to	112	4
Joint use with Rock Creek Railway Company	117	3
Water mains, etc., to be protected	119	1
Wires—		
Overhead, use extended to 1895	120	1
Overhead, use of, to cease after July 1, 1893	117	6
Underground, or cables	130	1

	Page.	Section.
Electrolysis, damage to pipes by	51	12
Falls Church and Potomac Railway Company—use of tracks of Washington, Alexandria, and Mount Vernon Railway Company authorized	197	22
Fares, collection of	263	
Fares, ticket, sale and use universal	263	
Farragut square, tracks prohibited adjacent to	257	
Fenders to be provided	264	
	49	1
Ferries for street railways	51	12
	191	1
Flagmen shall be stationed at street crossings	268	26
Franklin square, tracks prohibited adjacent to	257	
Foxhall road, cars of Washington and Great Falls Railway to stop	239	1
Georgetown and Tennallytown Railway Company:		
Act incorporating (1888)	133	1
Annual meeting	137	3
Annual reports	134	1
Bonds—		
Issue of	135	2
Issue limited	135	2
By-laws to be prescribed	136	3
Capital stock	135	2
Subscriptions	135	2
Subscription books	136	2
Cars	135	2
Exclusion from	137	3
Speed of	134	1
Commencement and completion of construction	137	4
Conduits	133	1
Construction	134	1
Contracts, may enter into	241	1
Crossings, right of way at	137	3
Directors	136	3
Excavations	134	1
Fare, rate of	134	1
High street improvements, shall pay for	138	
Motive power	133	1
Passenger rooms	135	2
Power house, etc.	134	1
Roadway, free use of	137	3
Route	133	1
Route coinciding	133	1
Stockholders' meeting	136	2
Taxes	134	1
Tickets, coupon, to be sold	263	5
Tracks—		
Commissioners to locate	138	
Location of	138	1
Paving adjacent to	134	1
Georgetown, Barge, Dock, Elevator and Railway Company:		
Act incorporating (1888)	139	1
Annual report	142	3
	143	5
Bonds, issue of	141	2
By-laws to be prescribed	142	3
Capital stock	140	2
Payments on	141	2
Cars, obstruction of	142	3
Completion, etc.	140	1
Construction	140	1
Directors	142	3
Officers	142	3
Organization	141	2
Power and engine houses	140	1
Route	139	1
Route coinciding	139	1
Regulations by Commissioners, of the District of Columbia	142	3

Georgetown Barge, Dock, Elevator and Railway Company—Cont'd.		Page.	Section.
Stockholders—			
Liability of.....	143	4	
Meeting of.....	142	2	
Street obstructions.....	142	3	
Taxes.....	143	5	
Tracks, paving of space between.....	140	1	
Warehouses, etc.....	139	1	
Water front of streets to remain open.....	143	6	
Great Falls and Old Dominion Railroad Company (1903):			
Aqueduct Bridge, authority to lay track.....	254	1	
Cars—			
Operation of.....	256	7	
Speed of.....	256	8	
Commencement of construction.....	254	9	
Deposit required.....	254	3	
Track across Aqueduct Bridge, authority to lay.....	254	2	
Track to be approved by Commissioners.....	255	1	
Track, keep in repair.....	255	4	
Track, use of, by other roads to be satisfied.....	255	6	
Grooved rails, street-railway companies required to lay tracks on.....	258	5	
High street, Georgetown and Tenallytown Railroad Company to pay for improvements.....	138		
Horses must be dispensed with.....	260	3	
Laws:			
General street-railway.....	257		
Extract from District of Columbia Code relative to railways.....	272		
McPherson square, tracks prohibited adjacent to.....	257		
Maryland and Washington Railway Company:			
Act incorporating (1892).....	145	1	
Annual meeting.....	149	19	
Annual report.....	146	4	
Bonds, issuance of, authorized and limited.....	152	2	
By-laws to be prescribed.....	149	18	
Capital stock.....	147	12	
Payment of subscriptions.....	148	13	
Subscriptions to.....	148	13	
Cars—			
Articles found in.....	149	16	
Ejection from.....	150	22	
Rate of speed.....	147	10	
Commencement and completion.....	147	11	
Act extending time for completion.....	155	3	
Condemnation proceedings.....	156	1	
Rhode Island avenue NE.....	156	1	
Extended for one year.....	150	24	
Consolidation forbidden.....	150	24	
Construction to be approved.....	158	6	
Corporators, meeting of.....	149	13	
Crossings, right of way at.....	146	5	
Directors of.....	148	13	
Eckington and Soldiers Home authorized to purchase.....	146	2	
Equipment.....	150	21	
Excavations.....	149	17	
Excavations and trenches.....	156	1	
Fare, rate of.....	149	14	
Incorporators' meeting.....	147	8	
Land, authority relative to lease and purchase of property of Eckington and Soldiers Home Railroad Company.....	147	8	
Motive power.....	146	3	
Officers.....	149	13	
Organization of company.....	149	13	
Passenger rooms.....	149	15	

Maryland and Washington Railway Company—Continued.		Page.	Section.
Passenger houses.....	149	15	
Power houses.....	147	9	
Rhode Island avenue, extension of.....	150	24	
Roadway, free use of.....	150	20	
Route of.....	145	1	
To be approved by Commissioners of the District of Columbia.....	145	1	
Extended.....	155	3	
In city of Washington.....	155	3	
Rhode Island avenue, opening of.....	153	24	
Dedication of.....	154	24	
Appeal from decision of court.....	153	24	
Appraisers to be appointed by court.....	154	24	
Awards, payment of.....	154	24	
Benefits to be considered.....	150	24	
Stockholders' meeting.....	148	13	
Taxes.....	146	4	
Tracks—			
Construction of.....	146	5	
Grades of.....	147	7	
Paving between.....	146	6	
Space between.....	146	5	
Underground constructions, damage to.....	152	8	
Wires, no overhead.....	155	3	
Metropolitan Railroad Company (1864), act incorporating			
Amendments to (1865).....	161	1	
(1865).....	167		
(1867).....	168		
(1869).....	169		
(1894).....	169		
(1895).....	182		
(1897).....	185		
(1900).....	186		
Annual meeting.....	187		
Annual report.....	164	15	
Boundary and Silver Spring Railway Company.....	166	22	
Bridge across Rock Creek at P street to be repaired.....	176		
By-laws to be prescribed.....	164	14	
Capitol grounds, tracks in, under supervision of Architect of Capitol.....	187	1	
Capital stock—			
Authority to issue.....	163	8	
Books of subscription.....	163	12	
Increased.....	168	2	
Limit of subscription.....	163	12	
Payment at subscribing.....	163	12	
Sale in default of payment.....	168	2	
Cars—			
Articles left in.....	163	9	
Exclusion from.....	163	11	
License for.....	168	5	
Schedule of running.....	162	2	
Tax for use of horse.....	163	9	
Columbia road from Florida avenue to Eighteenth street extension.....	184	6	
Commencement and completion of construction.....	186	1	
Completion of change of route, time for.....	165	17	
Condemnation proceedings, old Sixteenth street.....	169	1	
Connecticut Avenue and Park Railway.....	168	1	
Contracts, may enter into.....	168	3	
Construction.....	187	2	
Cost of.....	169		
Crossings—	241	1	
Street to be kept clean.....	162	3	
Penalty for not cleaning.....	166	22	
Depot and stable connections.....	165	20	
Deposit for extensions, old Sixteenth street.....	163	10	
	187	3	

	Page.	Section.
Metropolitan Railroad Company, etc.—Continued.		
Directors	164	13
Increase of	186	4
Indebtedness, question of in case of District of Columbia, referred to court of appeals	183	4
Equipment—		
Fares—		
Sale of tickets	167	23
Rates of	162	1
Tickets	167	1
Franchise forfeited for failure to comply with conditions	168	4
Georgetown extension, authority for	260	3
Grade changes	185	3
Horses to be dispensed with	162	5
Judgment to be paid	181	3
Motive power	181	3
Change of	162	1
To be approved	181	3
Time extended for change of	182	1
Change of authorized	183	2
Time to change extended	260	1
Municipal regulations, subject to	162	1
Notes, not to issue as currency	167	1
Officers	163	7
Passenger rooms	164	13
Roadway, free use of	163	10
Rock Creek Railway, joint operation	164	16
Route	186	5
Amendment changing	161	1
Amendment extending	167	1
Extending to old Sixteenth street	187	1
On old Sixteenth street	187	2
Sale and lease, Florida avenue and U street line, power of	263	5
Stockholders' meeting	163	12
Stockholders, liability	165	19
Taxation	162	2
Track to be located by Commissioners of the District of Columbia	185	2
Trackage—		
Reciprocal, to enter into with other roads	262	5
Tracks—		
Paving between	162	4
Reciprocal use	184	5
Remove from Capitol Grounds	180	12
Use by Rock Creek Railway Company authorized	78	2
Terms of use by Rock Creek Railway Company	78	2
Transfers—		
Free to Capital Railway Company	263	3
Arrangements with connecting lines	184	5
Reciprocal	262	5
Coupons from Brightwood Railway Company	186	5
Tickets, sale of coupon	263	5
Union Railroad Company	174	1
Washington and Great Falls Railroad Company may consolidate	241	1
Wires, no overhead	181	3
Motive power	162	1
Change from horse to mechanical, authorized	258	
Certain roads required to use mechanical power	259	3
Approval of Commissioners required	260	3
To be same for reciprocal trackage	262	5
Rails, etc., regulations do not apply outside city limits	259	
Being changed, stock may be issued	259	3
Navy-Yard Bridge (see also Anacostia Bridge), trolley may be used on, by Capital Railway Company	58	1
Passenger station to be established near Aqueduct Bridge	232	3
Passengers, stops must be made for	268	

	Page.	Section.
Paving, street railways to pay for portion between rails and tracks and 2 feet exterior thereto	257	
Paving, certificates of indebtedness may be issued against in payment of	258	
Paving materials may be used	257	
Paving street intersections to correspond with pavement of street intersections	258	
Pennsylvania avenue, repavement of, by Washington and Georgetown Railroad Company	64	
Pennsylvania avenue southeast, east of Eighth street, authority to extend tracks	80	1
Pennsylvania Avenue Bridge, authority to lay tracks on, by East Washington Heights Traction Company	109	
Pipes, damage to, by electrolysis	51	12
Policemen to be stationed at street crossings	37	3
Police regulations relative to street cars	265	
Potomac River at Three Sisters, Washington and Arlington Railway authorized to construct bridge	201	1
Rails:		
Grooved, shall be used on street railways in city limits	258	
Style of, required		
To be placed in position within two years		
Railroads. (See Street railroads).		
Railways:		
Street, electric underground system, to be installed by October 1, 1899	271	
Fenders to be provided	264	
Laws	257	
Public work chargeable to	257	
Commissioners to make changes should companies fail to do so	257	
Reciprocal trackage arrangements between railroads authorized	262	
Rhode Island avenue, opening of, by Washington and Maryland Railway Company	150	24
Rock Creek Bridge:		
At Connecticut avenue	74	1
Cost of maintenance and repair to, borne by railroad companies	269	
Rock Creek Railway of the District of Columbia (now Capital Traction):		
Act incorporating	68	
Annual meetings	72	3
Annual report	73	4
Bonds, authority to issue	74	1
Bridge over Rock Creek	74	1
Capital stock	70	2
Subscriptions	75	2
Books of subscriptions	70	2
Sales of delinquent	75	3
Payment of subscriptions	71	2
Capital stock, method of fixing amount	70	2
Cars	71	2
Cars, articles found in	74	5
Cars, ejection from	73	3
Cars, speed of	70	1
Charter amended	76	1
Charter, original reaffirmed	77	1
Chevy Chase Land Company may connect with	76	5
Commencement and completion of construction	77	1
Commencement and completion of, extended	70	1
Completion, time for, extended	75	3
Connecting lines, authorized to connect with	77	3
Construction	77	1
Contracts can be made for joint use of tracks	69	1
Directors	78	3
Equipment	72	3
Fare, rate of	71	2
Florida avenue and U-street line, power to lease and sell	69	1
	79	1
	197	5

Rock Creek Railway of the District of Columbia—Continued.		Page.	Section.
Lands—			
Cost of purchase.....	76	4	
Dedication, purchase, and condemnation.....	76	4	
Motive power.....	70	1	
Passenger rooms.....	71	2	
Power and engine houses.....	70	1	
Public travel, interference with.....	76	4	
Repairs to.....	70	1	
Roadway, free use of.....	72	3	
Route—			
Amended.....	69	1	
Changed.....	74	1	
Repeal of old.....	75	2	
Sale or lease, power of.....	72	3	
Streets, opening of.....	78	4	
Taxes.....	73	4	
The Capital Traction Company may change name to.....	79		
Tracks—			
Extension of.....	77	1	
Paving of.....	69	1	
To be kept well paved.....	74	1	
To be paved by District of Columbia in case of failure.....	75	1	
Paving lien.....	75	1	
Use of Metropolitan Railroad.....	78	2	
Use jointly with Eckington and Soldiers' Home Railway Company.....	78	3	
Terms for use of.....	78	2	
Width between.....	78	2	
Wires, no overhead in city limits.....	75	2	
Secretary of War:			
Approve plans of an Anacostia Bridge.....	247	1	
Approve route of Washington, Alexandria and Mount Vernon Railway through Arlington.....	191	1	
Approve route across aqueduct lands by Washington and Great Falls Railway Company.....	222	1	
Approve fence at Washington Aqueduct by Washington and Great Falls Railway Company.....	224	1	
Approve fence along Conduit road by Washington and Great Falls Railway Company.....	224	1	
Approve lighting along Conduit road by Washington and Great Falls Railway Company.....	225	1	
Approve water mains along Conduit road.....	222	1	
Approve ferry slips and boat Washington, Alexandria and Mt. Vernon Electric Railway.....	191	1	
Speed of street railway cars.....	267	24	
Spring road, use of, by Baltimore and Washington Transit Company.....	17	1	
Stock, companies changing motive power, etc., may increase.....	259	3	
Street cars:			
Children not allowed on platforms.....	266	16	
Crossings, right of way.....	268	25	
Not to be switched in streets.....	265	3	
Of suburban lines may be drawn over connecting city lines.....	263	1	
One-horse, prohibited in city limits.....	261	1	
Platforms to be protected with gates.....	266	22	
Shall have right of way over respective tracks.....	265	15	
Speed of.....	267	24	
Spitting in prohibited.....	269	23	
Stop at intersecting roads.....	268	25	
Stop before crossing steam railroad tracks.....	269	27	
Stop not more than five minutes, etc.....	268	26	
To be in charge of conductor.....	261	1	
To display lights after sundown.....	269	26	
Wheel guard or fender equipment.....	266	17	
Street railroads:			
Certificates of indebtedness may be issued against.....	258	1	
Change of motive power authorized.....	259	3	
Changing motive power may increase amount of stock.....	259	3	

Street railroads—Continued.		Page.	Section.
Code of laws of District of Columbia relative to railways.....	272		
Crossing policemen authorized.....	37	3	
Grooved rails in city limits.....	258		
Highway bridge over Potomac River, may cross.....	270		
Malicious injury due to obstruction.....	273		
Motive power to be same for reciprocal trackage.....	271		
Pavements at street intersections.....	258		
Pavements between rails and track, how paid for.....	257		
Prohibited on I and K streets, front of McPherson, Farragut, and Franklin squares.....	257		
Shall not be laid without consent of Congress.....	257		
Suburban, may have trail cars drawn over city lines.....	263	1	
United States telephone lines, for protection of, by Washington and Great Falls Railway Company.....	237	1	
Tickets—			
To be sold in sheets of six.....	261	1	
Not to be sold a second time.....	261	1	
Shall be honored on all lines in District of Columbia.....	261	1	
Transfer coupon shall be sold by certain suburban lines.....	263	5	
Metropolitan Railroad Company to honor coupon transfer tickets by certain suburban lines.....	263	3	
Transfers not to be issued where trackage is forbidden.....	270	2	
Transfer tickets to be issued free where Capital Railway Company connects with Capital Traction and Metropolitan Railroad Company.....	263	3	
Trackage arrangements forbidden unless motive power is similar.....	270	2	
Trackage reciprocal only where propelling power is the same.....	262		
Tracks—			
Abandoned, to be removed.....	271	1	
Remove from Washington Aqueduct Bridge over Rock Creek.....	65		
To be laid on Bunker Hill road and Wiseman avenue.....	272		
Removal from Capitol grounds by Metropolitan Railroad and Washington and Georgetown Railroad Company.....	64	12	
Duties of companies at intersecting.....	258		
Obstructions to be removed.....	266	20	
To be paved by District of Columbia when neglected by companies.....	257		
How paved.....	257		
Relocation in certain streets.....	272		
Removal of disused.....	271		
Twenty-sixth and M streets NW., right to lay Washington and Georgetown Railroad.....	65		
To be laid on Wisconsin avenue.....	272		
Transfer and trackage arrangements, reciprocal, connecting lines required to make.....	262	5	
Transfers, free, to be issued.....	271		
Transfer station. (See Union transfer station.).....	270		
Taxation on gross receipts, etc.....	270		
Union transfer station—			
Commissioners of the District of Columbia, shall regulate use of.....	68	3	
Land for.....	68	3	
Union Railroad Company (absorbed by Metropolitan Railroad Company), act incorporating.....	169	1	
Union transfer station.....	68	3	
United States property, damage to, by Washington and Great Falls Railway Company.....	236	1	
United States not to pay portion of work done for street railways.....	257		
United States telephone line, for protection, by Washington and Great Falls Railway Company.....	237	1	
Washington, Alexandria and Mount Vernon Electric Railway Company: Act incorporating (1894).....	191	1	
Annual report.....	195	15	
Cars—			
Articles found in.....	195	14	
Ejection from.....	196	19	
Speed of.....	195	13	

Washington, Alexandria and Mount Vernon Railway Company—Continued.		
	Page.	Section.
Commencement and completion of construction	194	10
Condemnation proceedings	196	20
Construction	192	4
Crossings	191	1
Right of way at	194	11
E street NW., remove tracks from	196	18
Fare, rate of	199	6
Ferry slips and boat	196	16
Grades, change of	191	1
Highway bridge over Potomac River	192	6
Motive power	268	
Passenger rooms, etc.	194	11
Plans, to be approved	194	12
Power and engine houses	196	21
Roadway, use of	193	9
Route	196	17
Through Arlington Reservation to be approved by Secretary of War	191	1
Change of, due to Municipal building	198	1
Coinciding	200	6
On country roads	194	11
Snow and ice, removal of	192	3
Street, widening of	195	13
Taxes	192	2
Tracks—	195	15
To Arlington Reservation	197	23
Paving of	192	5
May be used by Falls Church and Potomac Railway Company	199	1
Trenches and excavation	197	22
Water mains to be protected	193	7
Washington and Arlington Railway Company:	193	8
Act incorporating (1891)	201	1
Annual report	202	3
Annual meeting	205	8
Bridge at Three Sisters Islands, construction authorized	205	8
Bridge plans to be approved by Secretary of War	201	1
By-laws	202	1
Capital stock—	205	7
Bond and issue	203	4
Payments on	204	6
Subscription	204	6
Subscription books	204	5
Cars—	204	5
Ejectment from	204	5
Schedule of running	205	9
Commencement and completion of construction	206	12
Condemnation proceedings	206	14
Condemnation proceedings, confirmation to be recorded	206	11
Construction	205	7
Directors, board of	202	2
Engine houses	202	3
Fare, rate of	207	15
Grade, changes of	206	11
Land, acquiring	204	5
Land, necessary	201	1
Motive power	205	8
Office, principal	205	7
Officers	201	1
Route	204	6
Stockholders, meeting of	203	3
Taxes		

Washington and Arlington Railway Company—Continued.

	Page.	Section.
Tracks—		
Approval necessary	202	2
Coinciding	201	1
On bridge	202	2
And bridge, use of by other companies	206	10
Paving of	202	2
Water pipes, protection of	207	15
Wires overhead not permitted in city limits	201	1
Washington Aqueduct Bridge over Rock Creek, remove tracks from	65	
Washington, Arlington and Falls Church can acquire rights in default	254	2
Washington and Georgetown Railroad Company (now Capital Traction Company):		
Act incorporating (1862)	59	1
Annual meeting	62	16
By-laws and rules	62	15
Capital stock	60	8
Advertisement as to books of subscription	61	13
Capital stock—		
Apportionment of	62	13
Books of subscription	61	13
Payment at time of subscription	61	13
Merged into Capital Traction Company	59	Note.
Cars—		
Articles found in	61	11
First-class, required	61	9
Schedule of running	61	9
Completion, time for	63	19
Fare, additional	63	1
Fourteenth street extension	63	1
Grade to be altered when required	60	5
Horsepower to be used	59	1
Horses, must dispense with, in two years	67	3
Judgment to be paid	67	
Lands for depot	61	10
Motive power changed to cable	59	Note.
Motive power	66	3
M Street Bridge over Rock Creek, repair of	67	
M street NW., right to lay tracks	65	
Municipal officers not to obstruct road	63	17
Notes not to issue as currency	60	7
Officers and directors	62	14
Passenger rooms, etc.	61	10
Pennsylvania avenue—		
Fifteenth street to Rock Creek, appropriation for paving	64	
Paving adjacent to tracks	64	3
Repavement of	66	3
Railway, how to be laid	60	3
Road, use of, subject to municipal regulations	60	1
Roadway, free use of	63	18
Route of	59	1
Route, extension of	59	1
Seventh street extension	63	1
Stock, may increase, upon change of motive power	66	3
Stockholders' meeting	62	13
Taxation	60	2
Tracks—		
Coinciding	66	1
Between depots and stables	61	10
Extension of, on Water and P streets SW	65	
Grade of	66	
Use, in common	66	
Use by United States Government	61	12
Terms of joint use	66	
To be kept in order by company	60	4
Remove from Capitol grounds	64	12
Remove from Washington Aqueduct Bridge over Rock Creek	65	

Washington and Georgetown Railroad Company—Continued.		Page.	Section.
Tracks—Continued.			
Twenty-sixth street, right to lay	65		
Right to lay on Twenty-sixth and M streets	65		
Union transfer station shall build	68	3	
Union transfer station shall extend tracks to	68	3	
Washington and Glen Echo Railroad Company (1898).....			
Contracts, may enter into	214		
Consolidate, with Washington and Great Falls Railway Company authorized	241	1	
Tracks, right of way to construct	241	1	
Washington and Gettysburg Railway Company of Maryland:			
Act authorizing extension of line in District of Columbia (1899)...	208	1	
Bonds	211	16	
Buildings	211	15	
Cars	210	9	
Articles found in	211	13	
Ejectment from	211	12	
Schedule	210	10	
Speed of	210	11	
Commencement and completion of work	212	20	
Completion, time for	213	1	
Completion, extension of time for	214	5	
Construction	209	5	
Construction, time extended for, in District of Columbia	213	1	
Deposit	210	6	
Deposit guarantee	210	8	
Excavations	209	4	
Fare, rate of	211	14	
Grade changes	212	18	
Land	211	16	
Penalty for failure to complete	212	22	
Plans, approval	209	3	
Roadway, care of	209	7	
Route	208	1	
Route, coinciding	209	2	
Supervision and control of, by Commissioners District of Columbia	212	21	
Switching	209		
Taxes	212	7	
Telegraph and telephone lines	212	19	
Washington and Great Falls Electric Railway Company:			
Act incorporating (1892)	221	1	
Act incorporating amended 1894	232	1	
Annual meeting	228	4	
Annual report	231	7	
Bonds	226	2	
Bonds and stock	236	1	
Buildings	239	2	
By-laws	228	4	
By-laws, may make changes in	228	4	
Canal road, wall	222	1	
Capital stock	239	2	
Capital stock, subscriptions to	242	2	
Capital stock and shares, may acquire, in electric companies supplying power	227	3	
Cars—	239	2	
Schedule of running	232	1	
Speed of	239	1	
Speed of, at crossings	225	1	
Steam, prohibited	239	1	
Foxhall road stop	236	1	
	239	1	

Washington and Great Falls Electric Railway Company—Continued.		Page.	Section.
Commencement and completion	231	6	
Completion, time for, extended	232	2	
Conduit road	222	1	
Consolidation	227	3	
Consolidation with various roads	241	1	
Construction	224	1	
Construction and operation	237	1	
Construction and operation to be approved by Secretary of War	225	1	
Contracts, may enter into	225	1	
Corporators, meeting of	241	1	
	227	3	
	240	3	
Crossings—			
Right of way at	228	4	
Paving at	237	1	
Conduit road, signals to be used at crossings	238	1	
Charter amended with reference to Union transfer station	232	3	
Damage to United States property	236	1	
Deposit required	223	1	
	236	1	
Directors	227	4	
Disbursement of money	223	1	
Fare, rates of	244	2	
Fence at Washington Aqueduct	224	1	
Fence, shall erect	238	1	
Land and condemnation proceedings	229	5	
Lights at Chain Bridge	225	1	
Lights at intersecting roads	238	1	
Lighting roadway	225	1	
Motive power	237	1	
Office, principal	228	4	
Passenger rooms	225	2	
Passenger station at aqueduct bridge	232	3	
Poles and wires	224	1	
Rails, location of	222	1	
Railway parallel to Conduit road	221	1	
Roadway, free use of	228	4	
Route	221	1	
	234	1	
Route across aqueduct lands	223	1	
Amended	232	1	
Extension of	233	5	
Routes, coinciding	232	1	
Snow and ice, removal of	232	1	
Stockholders, meeting	227	3	
Stock	225	2	
May acquire and hold, in other roads	241	2	
Method of operating acquired	242	2	
Taxes	231	7	
Telephone line, United States for protection of	237	1	
Tennallytown Road, branches to	235	1	
Tracks—			
May connect with other lines	235	1	
Coinciding	222	1	
Gauge of	224	1	
Location of	224	1	
Paving of	224	1	
Water mains	222	1	
Changes of	232	4	
Construction of	225	1	
Protection of	225	1	
Union transfer station	68	3	
Washington and Marlboro Electric Railway Company:			
Act incorporating (1895)	247	1	
Anacostia Bridge—			
Building of	247	1	
Plans to be approved by Secretary of War	247	1	

	Page.	Section.
Washington and Marlboro Electric Railway Company—Continued.		
Annual reports.....	251	16
Bowen Road, extension to.....	247	1
Cars.....	250	13
Articles found in.....	251	15
Ejection from.....	252	20
Schedule of running.....	250	13
Speed of.....	250	14
Commencement and completion of construction.....	248	11
Completion, extension of time for.....	253	1
Construction of.....	248	4
Crossings.....	252	19
Right of way at.....	250	12
Conditions to be complied with by successors.....	253	24
Deposit guaranty.....	252	22
Deposit to be made.....	253	33
Engine and power houses.....	248	10
Excavation and trenches.....	248	8
Fare, rate of.....	251	17
Grade changes.....	248	7
Land, condemnation of.....	252	21
Lighting along line.....	248	6
Motive power.....	249	12
Passenger rooms.....	250	13
Plans to be approved by Commissioners.....	252	23
Roadway, free use of.....	252	18
Route.....	247	1
Extension of.....	248	1
Routes—		
Coinciding.....	250	12
In country roads.....	248	3
Snow and ice, removal of.....	251	14
Street widening.....	248	2
Taxes.....	251	16
Tracks—		
Paving adjacent to.....	248	5
East Washington Heights Traction Company, right to use.....	253	2
Water mains, deposit for.....	248	9
Washington and Rockville Railway Company, contracts may enter into with.....	241	1
Washington and University Railroad Company:		
Act incorporating (1898).....	215	1
Bonds.....	218	20
Buildings.....	217	17
Capital stock.....	218	20
Cars.....	217	11
Articles found in.....	217	15
Ejection from.....	217	14
Schedule of running.....	217	12
Speed of.....	217	13
Completion of work.....	216	9
Construction of.....	216	6
Dedication.....	220	2
Deposits.....	216	7
Deposit guarantee.....	217	10
Excavations.....	216	5
Fare, rate of.....	217	16
Land, condemnation of.....	218	18
Motive power.....	215	3
Organization.....	218	19
Penalties.....	219	22
Plans.....	216	4
Right of way.....	220	2
Roadway, care of.....	216	8
Route.....	215	2
Route, amended.....	219	2
Taxes.....	219	21

	Page.	Section.
Washington Railway and Electric Company (name of managing corporation: The Washington Railway and Electric Company is a managing corporation whose principal lines are Metropolitan, Anacostia and Potomac River, Belt, Capital, Columbia, etc. Also has control of certain other lines, as per deed filed in office of recorder of deeds, February 4, 1902, under authority of act of Congress approved June 5, 1900).....	241	1
Washington, Woodside and Forest Glen Railway and Power Company:		
Relative to using Brightwood tracks.....	220	1
Contracts, may enter into.....	241	1
Water mains disturbed by street railways shall be moved at expense of company.....	265	4
Water front at ends of highway to be kept open.....	143	6
Wires, not authorized erected or maintained after December 15, 1888..	272	
Wisconsin avenue, tracks to be laid in middle.....	272	3

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